



Special Personnel Committee

9:00 a.m., Tuesday, October 18, 2022

1207 Palm Boulevard

Isle of Palms, South Carolina

Public Comment:

Citizens may provide written public comment here:

<https://www.iop.net/public-comment-form> .

Agenda

1. **Call to order** and acknowledgement that the press and public have been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Purpose**
 - a. Discussion and consideration of public disciplinary hearing per Resolution 2022-08
 - b. Discussion and consideration of code of conduct's compliance and enforcement process
 - c. Discussion and review of City Attorney and Assistant City Attorney proposals
3. **Executive Session** – If needed.
4. **Adjournment**

RESOLUTION NO. 2022-08

A RESOLUTION TO HOLD A PUBLIC DISCIPLINARY HEARING REGARDING
COUNCILMEMBER MIARS' ALLEGED VIOLATION OF THE CITY OF ISLE OF PALMS
CODE OF CONDUCT.

WHEREAS, the City of Isle of Palms Code of Conduct for Elected Officials was unanimously adopted on March 22, 2022; and

WHEREAS, the Code of Conduct provides the procedure for compliance and enforcement for violation of the Code; and

WHEREAS, the Code of Conduct provides that a "public disciplinary hearing against a Member for violation of the Code of Conduct may be held only upon resolution of Council moved and adopted according to the following procedures: (1) a Member must move to hold a public disciplinary hearing; (2) two additional Members must second the motion; and (3) Council must approve the motion by a vote of at least two-thirds (2/3) of Members present and voting;" and

WHEREAS, City Council finds it to be in the best interest of the residents of the City to conduct a public disciplinary hearing for violation of the Code of Conduct.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council this ____ day of September, 2022 that the City of Isle of Palms shall hold a public disciplinary hearing regarding Councilmember Miars' alleged violation of the City of Isle of Palms Code of Conduct, notice of which shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
SOUTH CAROLINA, ON THE ____ DAY OF SEPTEMBER, 2022.

Phillip Pounds, Mayor

Nicole DeNeane, City Clerk

CITY OF ISLE OF PALMS CODE OF CONDUCT FOR ELECTED OFFICIALS PUBLIC DISCIPLINARY HEARING PROCEDURE

Public Disciplinary Hearing

As set forth in the Code of Conduct, a Member charged with conduct constituting a violation of the Code shall be entitled to a public disciplinary hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing.

Prior to holding such a public hearing, an outside Special Counsel shall be selected by a majority vote of City Council to interview witnesses and make a report with their recommendations and findings to City Council. If the City Council is unable to agree on an outside Special Counsel by a majority vote, the Special Counsel shall be selected by the City Attorney. The Member accused and/or charged with conduct constituting a violation of the Code of Conduct may vote on the motion for selection of the outside Special Counsel.

The Special Counsel's report shall be completed in 120 days and determine: whether the charged violation is: (a) frivolous; or (b) does not state a claim of a violation even if the facts alleged are true; or (c) If the Special Counsel determines that the charge is not frivolous and does state a claim of a violation if the facts alleged are true, the Special Counsel shall investigate the allegations and make written findings as to the truthfulness of the factual allegations and conclusions as to whether a violation has occurred. The Special Counsel shall interview Members and/or witnesses at his discretion and any such interviews shall be unsworn.

After the Special Counsel's report is completed and submitted to City Council, the Member charged with conduct constituting a violation of the Code of Conduct shall be entitled to a meaningful opportunity to be heard by the City Council at the public hearing. The Member charged will have the opportunity to present any and all information they so choose in order to present their case. No witnesses will be allowed. The City has the right to be represented by counsel at its discretion. The Member charged has the right to be represented by counsel at his or her discretion, provided, however, that the cost of such representation shall be at the Member's sole expense. The City may postpone or proceed to vote on the record presented before it in the absence of an appearance on behalf of the Member or his or her counsel. The hearing shall be conducted in accordance with the South Carolina Freedom of Information Act.

Public Hearing Procedures

Section 1. Quorum

A majority of the members of the City Council shall constitute a quorum. A quorum shall be present in order for the public hearing to be held.

Section 2. Chairman

The Mayor shall preside over the hearing.

Section 3. Conduct of Hearing

The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of Resolution (Mayor or Clerk);
- b. Presentation by Member (20-minute limit);
- c. Presentation by Special Counsel (20-minute limit);
- d. Rebuttal by Member (10-minute limit);
- f. The City Council may question participants at any point in the hearing.

Section 4. Disposition

After the public hearing, the question to be considered by Council shall be: "Based on the evidence presented during the hearing, has the Member (a) intentionally violated the Code of Conduct; and/or (b) committed a serious violation of the Code of Conduct?" If the question is answered in the affirmative by at least two-thirds (2/3) of the Members present and voting, Council shall proceed to consider one or more of the following sanctions, which shall be imposed by majority vote of the members present and voting: (a) censuring the Member; and/or (b) removing the Member's seniority/committee status.

Unless prohibited by applicable law, the Member accused and/or charged with conduct constituting a violation of the Code of Conduct may vote on the motion to determine whether the Member violated the Code of Conduct, or any sanctions.

Section 5. Executive Session

Nothing herein shall preclude City Council from voting to go into executive session to receive legal advice regarding the interpretation or application of the Code of Conduct.

**CITY OF ISLE OF PALMS
CODE OF CONDUCT
FOR ELECTED AND APPOINTED OFFICIALS**

Policy Purpose

The City Council of the City of Isle of Palms adopts this Code of Conduct to provide a uniform set of standards so that elected and appointed officials, while exercising their respective offices, shall conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the City's government. The provisions in this Code of Conduct shall not supersede state law but are intended to supplement the same. To the extent any provisions contained in this Code of Conduct and state law are in conflict, state law shall apply.

A. GENERAL CONDUCT GUIDELINES AND STANDARDS

Members of the City Council and appointed members of Boards and Commissions (hereinafter collectively referred to as "Members") shall conduct themselves in accordance with the following standards:

- (1) **Act in the Public Interest.** Members shall work for the common good of the residents and visitors of the City and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before them.
- (2) **Comply with both the spirit and the letter of the law.** Members shall comply with the laws of the United States, the State of South Carolina and the City of Isle of Palms in the performance of their public duties.
- (3) **Conduct of Members.** The professional and personal conduct of Members while exercising their office must be above reproach and avoid the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Members, the City Staff or public. Members shall practice civility and decorum during public debate.
- (4) **Respect for Process.** Members shall perform their duties in accordance with the processes and rules set forth in the Rules of Order and Procedure in the City Code, Robert's Rules of Order, and the Rules of Conduct in the South Carolina Ethics Reform Act. Members shall honor the role of the Chairperson in maintaining order during public meetings.
- (5) **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand. When making decisions, Members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

- (6) **Conflict of Interest.** Members shall avoid any conflicts of interest, or the appearance thereof, in compliance with the City Code and South Carolina law.
- (7) **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general and shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action, or give the appearance of being compromised, in compliance with South Carolina law.
- (8) **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to Members which is confidential or privileged under South Carolina law, including information provided during executive session, legal advice provided by the City's legal counsel, and any information otherwise protected by South Carolina law. Members shall not disclose confidential information without proper legal authorization, or use such information to advance their personal, financial or other private interests.
- (9) **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City Staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
- (10) **Representation of Private Interests.** Members shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, in compliance with South Carolina law.
- (11) **Advocacy.** Members shall represent the official policies or positions of the City to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state that said position is not endorsed by the City of Isle of Palms.
- (12) **Policy Role of Members.** Members shall respect and adhere to the council form of City government as provided in the City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Members shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of City Staff to implement Council policy decisions.

(13) Independence of Boards, Committees and Commissions. Because of the value of independent advice of Boards, Committees and Commissions to the public decision-making process, Members shall refrain from using their position to unduly influence the deliberations or outcomes of board, committee and commission proceedings. Councilmembers shall refrain from attending meetings of Boards, Committees and Commissions, of which they are not members, to avoid the appearance of undue influence or Freedom of Information Act violations. Councilmembers shall not contact a Board, Committee or Commission member to lobby or advocate on behalf of or against an individual, business, or other applicant appearing before any City body or any matter of business that will ultimately come before Council for final decision.

(14) Positive Workplace Environment. Members should make every effort to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City Staff and make every attempt to avoid creating the perception of inappropriate direction to City Staff.

(15) Social Media. Members who engage in personal social media activity (i.e., Facebook, Twitter, YouTube, blogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, etc.) that makes reference to the City, a Member's own official capacity with the City, any other elected or appointed City official, City Staff, City property, or any other City-related business, shall conduct themselves in accordance with all applicable laws and City policies. Members engaging in such activity should make it clear that they are speaking for themselves and not on behalf of the City. Members shall not engage in any form of unlawful harassment, discrimination, or intimidation or use slurs, profanity, personal insults or negative comments regarding City officials or City Staff that convey personal opinions and grievances, entice unproductive attitudes and behavior, or disrupt the harmony of the City's workplace.

B. APPLICABILITY AND SANCTIONS

Acknowledgement of Code of Conduct

Acknowledgement and acceptance of this Code of Conduct is voluntary. All Councilmembers and appointed members of Boards and Commissions are encouraged to execute the same in order to foster a positive environment and to promote fair and impartial governance.

Behavior and Conduct

The Code of Conduct expresses standards of ethical conduct expected for members of the City Council and members of the City's Boards and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Mayor and Council have the additional responsibility to intervene when actions of Members that appear to be in violation of this Code of Conduct are brought to their attention.

Compliance and Enforcement

- (1) A public disciplinary hearing against a Member for violation of the Code of Conduct may be held only upon resolution of Council moved and adopted according to the following procedures: (1) a Member must move to hold a public disciplinary hearing; (2) two additional Members must second the motion; and (3) Council must approve the motion by a vote of at least two-thirds (2/3) of Members present and voting.
- (2) A Member charged with conduct constituting a violation of the Code of Conduct shall be entitled to a public disciplinary hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. After the hearing, the question to be considered by Council shall be: *"Based on the evidence presented during the hearing, has the Member (a) intentionally violated the Code of Conduct; and/or (b) committed a serious violation of the Code of Conduct?"* If the question is answered in the affirmative by at least two-thirds (2/3) of the Members present and voting, Council shall proceed to consider one or more of the following sanctions, which shall be imposed by majority vote of the members present and voting: (a) censuring the Member; and/or (b) removing the Member's seniority/committee status.
- (3) Unless prohibited by applicable law, the Member accused and/or charged with conduct constituting a violation of the Code of Conduct may vote on the motion to set a public disciplinary hearing, the motion to determine whether the Member violated the Code of Conduct, or any sanctions.
- (4) Nothing herein shall preclude City Council from voting to go into executive session to receive legal advice regarding the interpretation or application of the Code of Conduct.
- (5) A violation of this section shall not be considered a basis for challenging the validity of a Council or Committee decision, nor shall this section create additional rights in third parties or members of the public.

C. IMPLEMENTATION

This Code of Conduct is intended to be self-enforcing and is an expression of the standards of conduct expected by the City for all elected and appointed officials.

This document shall be included in the regular orientations for candidates elected to City Council and newly appointed members to Boards and Commissions. Members should sign a statement (example below) acknowledging they have read and understand the Code of Conduct. In addition, the Code of Conduct shall be periodically reviewed by the City Council and may be amended or updated by City Council as necessary.

Adopted on _____, 2022 by Resolution No. _____

**CITY OF ISLE OF PALMS
CODE OF CONDUCT
FOR ELECTED AND APPOINTED OFFICIALS**

I affirm that I have read and acknowledge and accept the City of Isle of Palms Code of Conduct for Elected and Appointed Officials.

Signature _____

Date _____



BRENT S. HALVERSEN*
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brent@halversenlaw.com

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SUITE 200
MOUNT PLEASANT, SOUTH CAROLINA 29464
TELEPHONE (843) 284-5790
FACSIMILE (864) 326-4844
www.halversenlaw.com

*ALSO ADMITTED IN FLORIDA

October 11, 2022

VIA HAND DELIVERY AND E-MAIL

Ms. Desirée Fragoso
City Administrator
1207 Palm Blvd
Isle of Palms, SC 29451

Re: Response to RFP 2022-04; City Attorney Position

Dear Ms. Fragoso,

Allow this to serve as my application for the City Attorney Position for the City of Isle of Palms for the year 2022-2023.

Experience

I have practiced law for over twenty (20) years in South Carolina and Florida state and federal courts. My background (and present practice) is exclusively in commercial litigation. The majority of my law practice is specifically focused on business litigation, commercial landlord-tenant litigation, class actions, construction litigation and probate litigation, and real estate litigation and transactions – on behalf of both plaintiffs and defendants. I primarily represent real estate developers and investors in project specific litigation. In Charleston County alone, I have litigated hundreds of complex commercial litigation matters on behalf of corporations and individuals alike. (*See* caselist, Appendix I). In June of 2021, I was appointed City Attorney for the Isle of Palms, and have historically represented the City in a variety of real estate related litigation matters since 2009 that were not covered by the City's insurance fund (the SCMIRF). The following is a list of real estate litigation matters for which I have been retained to represent the City over the past thirteen (13) years:

- *City of Isle of Palms v. Weeks Marine, Inc.*, Case No. 2009-CP-10-1604

Result: Settlement.

- *Simonini v. City of Isle of Palms and City Council of Isle of Palms*, Case No. 2010-CP-10-9204

Result: Case against City dismissed.

- *The Beach Property Owners Association, Inc. v. The South Carolina Department of Transportation and The City of Isle of Palms*, Case No.: 2014-CP-10-2090

Result: Case against City dismissed.

- *First Protective Insurance Company d/b/a Frontline Homeowners Insurance as subrogee of Alfred Dawson and Carol Dawson v. Omega Flex, Inc.*; Case No.: 3:16-av-99999-CIV (2017)

Result: Represented IOPFD fire fighters in depositions in federal court insurance dispute. No claims made against IOPFD.

- *City of Isle of Palms v. Barrier Isles, LLC and Jay Clarke*, Case No. 2020- CP-10-3687

Result: Settlement.

- *City of Isle of Palms v. Watertoys, LLC d/b/a TidalWave Water Sports*, Case No: 2020CV1011100342, *The City of Isle of Palms v. Watertoys, LLC, Michael Fiem and Mark Fiem* 2021-CP-10-3024

Result: Case against City dismissed.

- *City of Isle of Palms v. Jonathan James Gandolfo*, Case No. 2020- CP-10-4486

Result: Case pending.

Resources

As City Attorney, I rely heavily on my wife Stirling Halversen's background and experience in municipal law. Stirling has practiced municipal law exclusively for eighteen (18) years. She provides advice in all arenas affecting municipal corporations pertaining to real estate transactions, environmental, corporate and contract matters, and provides drafting and advice for land use, zoning and building regulations, variances and special exceptions, code enforcement, FOIA, FEMA Hazard Mitigation Grant Program, ethics laws, preparation of ordinances and

resolutions, and constitutional issues. Where there is no conflict with municipal clients, Stirling represents individual clients in zoning and code enforcement matters. Prior to joining me with Halversen & Halversen, LLC in 2022, Stirling served as Assistant Corporation Counsel for the City of Charleston from 2018 to 2022. Stirling stepped down from this full-time position in 2022 to spend more time with our children Alden (14) and Souther (12), as well as to assist me with the ongoing needs for the City of Isle of Palms. Since my appointment, Stirling has assisted me with drafting of Ordinances for the City, FOIA and ATAX advice, researching in-depth zoning, real estate, and road dedication matters, among many other projects. Stirling is still on retainer with the City of Charleston providing advice and counsel for them in project specific matters on an independent contractor basis, presently mostly involving FEMA and flood-related matters.

Prior to joining the City of Charleston, Stirling served as the City Attorney for Isle of Palms from 2010 to 2018 and Assistant City Attorney from 2009 to 2010. Stirling also served as the attorney for the Town of Mount Pleasant's Board of Zoning Appeals on an as-needed basis from 2017 to 2018. Stirling previously served as the Assistant Town Attorney of Palm Beach, Florida from 2004 to 2008, as well as the Florida municipalities of Jupiter Island and the Village of Tequesta.

Having Stirling's municipal experience representing beach communities, institutional knowledge and database of legal resources and communications pertaining specifically to the City of Isle of Palms, as well as her present-day contacts and municipal connections with the City of Charleston and SC Municipal Attorneys Association, are invaluable and are tapped and utilized by myself, Desirée and Douglas on a continuous and ongoing basis.

Methodology

When I was appointed last year as the City Attorney, the vision I provided to the personnel committee for providing legal services was predicated on being able to offer the City the very best advice because of our firm's unparalleled municipal experience. My proposal to the City then, and is the same now, is to provide high-level, reliably sound municipal advice through myself and Stirling's past representation of the City and other municipalities. Even with this quality of experience for ensuring day-to-day operations move smoothly and correctly, my proposal was to have a large firm appointed as Assistant City Attorney¹ available as a go-to for any non-municipal type of matter that may arise for matters outside of our municipal expertise. Historically, this type of specialized legal work for the City has always been farmed out to a specialist for that type of work. That should continue. With the addition last year of Haynsworth Sinkler Boyd, P.A., Mac McQuillin, serving as the Assistant City Attorney, the City has utilized Mac as the point person for ongoing assistance as and when needed and deemed appropriate. In the past year and a half, we have utilized the Haynsworth firm for real estate matters at the Marina and employment matters with the Fire Department.

That is not to say that the Haynsworth firm is a one-size-fits-all law firm for every one of the City's legal needs. Being in a small firm has provided me (in conjunction with our City

¹ Since 2009, Isle of Palms has appointed an individual to serve as Assistant City Attorney with virtually no roles or duties other than to serve as the City Attorney if the City Attorney is unavailable or unable to serve, as the City Code prescribes.

Administrator) the flexibility to tap expert attorneys that exist outside of the Haynsworth law firm. A case in point is George Bullwinkle and his team at the Nexsen Pruet law firm. Mr. Bullwinkle is a state-wide expert in land use and development. Having a small firm such as ours in place to “quarterback” the City’s outside and specialized legal needs, provides the City the optionality to hire an attorney at any law firm, particularized to the needs of the situation. That optionality to go to any one of a multitude of *different* law firms throughout the State would be hampered if the City Attorney was at a large law firm, as large firms provide the internal referring lawyer direct financial compensation when work is referred to other members within their own firm. As a reminder, I receive no financial compensation whatsoever or any incentive (directly, indirectly, etc.) for the referral of work to specialists at outside law firms. I simply choose who I think is best for the job, with no expectation or realization of compensation to myself or my law firm.

I believe the above methodology has served the City well in having every available resource at its finger tips for every and any legal situation that has presented itself to the City.

Submittal Requirements

The following are responses to the specific Submittal Requirements, as listed in the RFP:

a. Resume.

Attached.

b. Cover letter explaining qualifications, employment history, legal training, years of practice, municipal or other local public sector experience, litigation experience and track record, knowledge and practice of law relating to land use and planning, real estate, environmental issues, general liability, and any other information the bidder wishes to submit.

See above.

c. Contact information, including home and work addresses, phone numbers, and email address.

Halversen & Halversen, LLC
751 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, South Carolina 29464
(843) 284-5790 tel.
(843) 813-6453 cell
(864) 326-4844 fax.
[**brent@halversenlaw.com**](mailto:brent@halversenlaw.com)
[**www.halversenlaw.com**](http://www.halversenlaw.com)

Home Address:
590 Island Walk East
Mount Pleasant, SC 29464

d. Describe the response time the City can expect to inquiries made by the City Council and City Administrator.

Instantly or no later than a few hours if I am in a meeting or in Court. I am always “on-call” for the City and they are my first priority.

e. Identify the types of training (FOIA, Council’s roles and responsibilities, etc.) you are capable of providing to the City.

Stirling has given legal training to previous City Councils in all areas of municipal government including FOIA, Council’s roles and responsibilities, conflicts of interest, ethics, procedural rules, Robert’s Rules, etc. She has prepared training materials for City Councils, standing committees, Planning Commissions and Boards of Zoning Appeals for all these areas.

f. Provide the size of the firm and list the resources, services and specializations within the firm.

See above.

g. A statement of any grievances filed against the attorney with the S.C. Commission on Lawyer Conduct List within the past five years and the resolution of each.

One. Attorney Tommy Goldstein, opposing counsel for Tidalwave Watersports, filed a grievance with the SC Supreme Court related to subpoenas he claimed I issued improperly in the lawsuit by the City of Isle of Palms against Tidalwave Watersports. On September 13, 2022 the SC Supreme Court’s Office of Disciplinary Counsel (ODC) found insufficient evidence of the claimed misconduct and indicated its intent to dismiss the grievance unless Mr. Goldstein sought a full panel review of the ODC’s notice of intent to dismiss the grievance. Mr. Goldstein has until October 13, 2022 to appeal the decision for full panel review. As of today’s date, Mr. Goldstein has not asked for a full panel review of the ODC’s intent to dismiss the grievance.

h. A statement of any fee disputes filed by a client with the S.C. Bar’s Fee Disputes Resolutions Board within the past five years and the resolution of each.

None.

i. A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each.

None.

j. The names and contact information of at least three (3) professional references.

Scott Moise
South Carolina Bar, Board of Governors
Nelson Mullins Riley & Scarborough, LLP
PO Box 1806
Charleston, SC 29402
(843) 720-4382

Hon. J.C. Nicholson, Jr.
South Carolina Circuit Court Judge (Ret.)
O'Shea Law Firm, LLC
1120 Folly Road
Charleston, SC 29412
(843) 805-4943

Julia P. Copeland
Deputy City Attorney, City of Charleston, Former City Attorney for Isle of Palms
City of Charleston Legal Department
50 Broad Street
Charleston, SC 29401
(843) 724-3730

k. Proposed fee structure including hourly rate, retainer, or other proposed terms.

Hourly, \$395.00 / hour, rounded to the nearest one-tenth of one hour.

l. Oath of Non-Collusion (form in bid packet) signed by the attorney, a principal of the firm, or an officer authorized to bind the corporation.

Attached.

m. The City will require the respondent or firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate general liability (in an amount not less than \$1,000,000.00 per person, \$2,000,000.00 per claim and \$250,000.00 per claim for property damage), automobile liability insurance (\$1,000,000 per occurrence), professional liability/errors and omissions insurance (\$1,000,000 per claim and in the aggregate occurrence). All insurance coverage required shall be with companies approved in advance by City, who shall be named as an additional insured on all such policies. Proof of such insurance shall be provided to City prior to commencement of any work.

Will be provided.

BRENT SOUTHER HALVERSEN

Education

Loyola University, New Orleans, Louisiana
J.D., Certificate of Civil Law Studies

May 2001

Vanderbilt University, Nashville, Tennessee
B.A., Philosophy

May 1997

Membership:

South Carolina Bar (2008); Florida Bar (2002); U.S. District Court for the District of South Carolina; U.S. District Courts for the Middle and Southern Districts of Florida; U.S. Bankruptcy Courts for South Carolina and Middle District of Florida; SC Municipal Attorneys Association; Charleston County Bar Association.

Experience

Halversen & Halversen, LLC, Mount Pleasant, SC
Partner

8/2008 to Present

- Business Litigation. Represent small to large corporations and individuals in a variety of commercial litigation matters.
- Co-lead class action counsel in data breach lawsuit, *Louise Prevost, Jane Doe #1, and Jane Doe #2, et al., individually and on behalf of all others similarly situated v. Roper St. Francis Healthcare and Tortfeasors 1-10*, Case No. 2021CP1001754
- Real Estate Litigation. Represent small to large corporations and individuals in a variety of mortgage, title and contractual related disputes.
- Municipal Law and Litigation. Represent City of Isle of Palms in non-insurance covered litigation since 2009. Appointed City Attorney in 6/2021.
- Construction Litigation. Represent homeowners and contractors in routine commercial disputes as well as residential and commercial construction defect litigation.

Representative Current Corporate Clients: Friedman Capital, Federal Home Loan Mortgage Corporation (Freddie Mac), 480 King Street, Ohio Imaging Associates, Inc., Whitfield Realty, A-Plus Property Management, Associated Developers, Inc., Southwind Homes, Southwind Realty, City of Isle of Palms, City of Charleston, Island Realty, Tidewater Pharmacy, Beaumont Homeowners' Association, Sweetgrass Homeowners' Association.

Broad and Cassel, West Palm Beach, FL
Associate, Commercial Litigation Practice Group

3/2007 to 3/2008

- Real Estate Litigation. Represent real estate developers in project litigation and commercial clients in Landlord/Tenant matters.
- Business Litigation. Represent small to large corporations and individuals in a variety of commercial transactions.
- Banking and Mortgage Litigation. Represent financial institutions and mortgage lenders in commercial and consumer contexts. Significant exposure to claims involving Truth-In-Lending Act (TILA) violations and contested foreclosures.

Fowler White Boggs Banker, P.A., West Palm Beach, FL
Associate, General Trial and Health Care Practice Groups

10/2003 to 2/2007

- Practiced in all areas of civil litigation including significant experience in Construction Litigation, Personal Injury Defense, Bankruptcy Litigation, and Real Estate Litigation and Transactions.
- Directed case work-up from discovery through trial, including attendance at hearings, expert and fact depositions, and mediations.
- Represented national hospital network and regional doctors in Health Care operations and litigation including issues regarding medical staff privileges, peer review, fraud and abuse, HIPAA, medical records, and EMTALA.

Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A., West Palm Beach, FL
Litigation Associate

6/2002 to 10/2003

- Represented local hospitals and doctors in medical malpractice litigation.
- Managed approximately thirty (30) medical malpractice cases from initiation of suit until trial.
- Significant client interaction and coordination of case strategy with supervising partner.
- Extensive attendance and participation at uniform motion calendar, depositions, and mediations.
- Legal research and writing, including drafting dispositive motions and argument of the same.
- Research and exposure in other areas of Health Law, including federal HIPAA compliance.

Laser, Wilson, Bufford and Watts, P.A., Little Rock, Arkansas
Summer Associate

5/2000 to 8/2000

- Researched and drafted pleadings, memoranda, and briefs on liability and insurance related issues.
- Assisted supervising partners at trial with voir dire and presentation of evidence.
- Firm's practice consists mostly of Corporate Law and Insurance Defense.

Hilburn, Calhoon, Harper, Pruniski & Calhoun, LTD, Little Rock, Arkansas
Summer Associate

5/1999 to 8/1999

- Legal Research. Concentrated primarily in tort issues regarding Products Liability and Personal Injury claims.
- Drafted pleadings and memoranda in Commercial, Contract, Real Estate, Trademark, Estate, and Family Law.

Hon. Don Corbin Campaign For Arkansas Supreme Court, Little Rock, Arkansas
Campaign Staff

5/1998 to 8/1998

- Served as Travel Aide to Judge on numerous statewide campaign junkets; conducted opposition research.
- Involved in all areas of campaign: contribution accounting, database construction and development.

References

Available upon request.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Brent S. Halversen". The signature is fluid and cursive, with a large initial "B" and "H".

Brent S. Halversen

BSH/ak
Enclosure

NONCOLLUSION AFFIDAVIT OF PRIME OFFEROR

State of South Carolina)

County of Charleston)

Brent S. Halverson, being first duly sworn, deposes and says that:

1. He/She is member of Halverson & Halverson, LLC, the Firm that has submitted the attached submission;
2. He/She is fully informed respecting the preparation and contents of the attached submission and of all pertinent circumstances respecting such offer/submission;
3. Such offer/submission is genuine and is not a collusive or sham offer/submission;
4. Neither the said Firm nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Firm, proposer, or person to submit a collusive or sham offer/submission in connection with the Contract for which the attached statement of qualifications has been submitted or to refrain from proposing in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Offeror, Firm, or person to fix the price or prices in the attached Statement of Qualification or of any other Firm, or to secure through any other submission, or to fix any overhead, profit, or cost element of the bid price or the bid price of any other Firm, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the City of Isle of Palms, SC or any person interested in the proposed Contract.

[Signature]
SIGNED:

ITS: Member

TITLE: member

SWORN to before me this 11th
day of October, 20 22

Notary Public for State of SC (State)

My commission expires June 23, 2024

By: [Signature] C. Mauldin
(signature)

ROSEN | HAGOOD

(VIA COURIER)

Desirée Fragoso
City Administrator
City of Isle of Palms
1207 Palm Boulevard
Post Office Box 508
Isle of Palms, South Carolina 29451

Re: RFP 2022-04 Response, City Attorney

The enclosed submittal response pertains to the above-referenced Request for Proposal for the City Attorney position for the City of the Isle of Palms ("RFP"). We have taken the opportunity to provide as much detail as possible for consideration of the proposal. Should any further clarification or additional information be helpful in review of this response, please do not hesitate to contact us.

In response to this RFP, attorney David G. Jennings will be the primary assigned attorney to the City. Mr. Jennings is an attorney with Rosen Hagood, LLC ("Rosen Hagood"), a law firm located in downtown Charleston. As part of this RFP response, attorneys James A. Bruorton, IV ("Chip") and Timothy J.W. Muller will additionally be available to the City of Isle of Palms as part of the firm's government law practice group to provide comprehensive and prompt legal services to City for any services required of the City Attorney position. Mr. Jennings will be the attorney responsible for the management and administration of Rosen Hagood's proposed legal services to the City pursuant to this proposal.

Mr. Jennings has fifty years of legal experience as a practicing attorney, including twenty-three years as an attorney with Rosen Hagood. He focuses his practice in the areas of local government law representing municipalities, counties, and special purpose districts as general counsel. Mr. Jennings has served as general counsel to the North Charleston Sewer District since 1973, Berkeley County Water and Sanitation Authority from 1980 to 2015, Mount Pleasant Waterworks since 1988, and he has served as Chair of the Charleston County Aviation Authority for multiple terms. In his service as general counsel, he has experience in drafting, reviewing, and revising ordinances, regulations, contracts, easements, memorandums of agreement, liability assessments, real estate documents, policies, and procurement codes. He frequently provides legal guidance to government clients concerning actions under South Carolina and Federal law. Mr. Jennings also attends meetings for local government clients and provides counsel to public bodies on meeting protocol and parliamentary procedure. He is active in litigation matters through utilization of the firm's government law practice group and has experience monitoring litigation cases assigned through the state Insurance Reserve Fund. Mr. Jennings has a wealth of knowledge related to legal issues encountered by various public entities and will provide effective counsel to

the City of Isle of Palms as City Attorney. Mr. Jennings is an AV rated attorney by Martindale Hubbell.

James A. “Chip” Bruorton has nineteen years of experience providing legal services. He focuses his practice in the areas of construction litigation, commercial business litigation, government law and surety law. Mr. Bruorton has over eighteen years of experience serving as a primary attorney under David G. Jennings as general counsel to local governmental entities Mount Pleasant Waterworks, Berkeley County Water & Sanitation and North Charleston Sewer District. Mr. Bruorton serves as general counsel for the James Island Public Service District and has experience in drafting, reviewing, and revising ordinances, regulations, easements, memorandums of agreement, policies and procurement codes and advising public bodies regarding FOIA law. Mr. Bruorton handles litigation matters as well and regularly prepares legal documents for government clients. Mr. Bruorton is AV rated and has been named a Super Lawyers Rising Star.

Timothy J.W. Muller has fourteen years of legal experience with Rosen Hagood and prior corporate experience. He focuses his practice in the areas of local government and utilities law, construction litigation, condemnation/ eminent domain, and property litigation. He has over thirteen years of experience also serving as an attorney providing general counsel services to local governmental entities. He has experience in drafting, reviewing, and revising ordinances, regulations, easements, memorandums of agreement, liability assessments, real estate documents, policies, and procurement codes. He also provides legal opinions to government clients in the context of South Carolina and Federal law. Mr. Muller is active in litigation matters primarily on behalf of government entity and construction industry clients. Mr. Muller is an AV rated attorney by Martindale Hubbell.

As a firm, Rosen Hagood was founded in 1947 and is based solely in Charleston. This year the firm is celebrating its 75th anniversary providing legal services to clients in South Carolina and beyond. The firm currently employs 21 employees, including 11 employees engaged as attorneys in various roles. Its office location is at 40 Calhoun Street, Suite 450, Charleston, South Carolina, 29401. The phone number for the firm is 843-577-6726.

While the firm’s office is in downtown Charleston, it represents clients in litigation and other matters at both the federal and state court level all over the state of South Carolina. The hallmark of the firm is its emphasis on client service, integrity, and genuine concern for the needs of its clients. The firm concentrates its practice in a variety of areas of law, providing representation for both plaintiffs and defendants. Our firm brings valuable experience and offers zealous advocacy to its clients. Our attorneys represent businesses, individuals, and government entities as general counsel and in complex litigation.

The firm’s involvement in representing governmental entities stems back to our founding partner, Morris D. Rosen, Esq., who served as Corporation Counsel for the City of Charleston from 1959 – 1975. Building on the efforts of Mr. Rosen, the firm and its attorneys have served as general counsel for both transactional and litigation matters for numerous governmental entities, including the City of Charleston, Mount Pleasant Waterworks, Charleston County School District, Allendale School District, Dorchester County School District II, North Charleston Sewer District, Berkeley County Water and Sanitation Authority, the James Island Public Service District, and the

Charleston County Aviation Authority. As part of our diverse firm, our firm attorneys regularly practice in the following areas of law: administrative and government law; commercial/business law; construction law; real estate litigation; land use and planning; education law; employment and labor law; family law; personal injury; bankruptcy; and probate, estate, and trust litigation.

Rosen Hagood has cultivated a tradition of leadership in the South Carolina legal community. Past firm member Alice F. Paylor served as President of the South Carolina Bar in 2013-2014, a position previously held by the late Morris Rosen and past managing member attorney Richard Rosen. Rosen Hagood is in good standing with the South Carolina Bar and has not been subject to any disciplinary action. Each of its practicing attorneys are in good standing with the South Carolina Bar. Certificates of Good Standing for each attorney can be provided upon request.

Mr. Jennings, as lead of Rosen Hagood's government law practice group, focuses on legal issues related to the operation of government and municipal agencies of all types. Mr. Jennings' legal representation includes matters involving legal guidance and compliance, municipal finance, employment matters, contract negotiations, sewer extension negotiations, procurement disputes, property acquisitions and transfers, property and zoning code disputes, easement acquisitions, condemnation matters, and liability assessment. He has made appearances in state and federal courts on behalf of government clients, including appellate courts. Mr. Jennings has obtained judgments in favor of government clients in state and federal courts, both through trial verdicts and dispositive motions.

Admitted to practice in the state courts of South Carolina and North Carolina and in the federal courts, including the Fourth Circuit Court of Appeals and the United States Supreme Court, Mr. Jennings is a member of the Charleston County Bar Association, the South Carolina Bar, and the American Bar Association. He has previously served on the Board of Governors of the South Carolina Trial Lawyers Association and the Executive Committee of the Charleston County Bar Association. In addition, he is past chairman of Coastal South Carolina USA and past board chairman of the Charleston County Aviation Authority. He received his Bachelor of Arts degree from Davidson College and graduated from the University of South Carolina School of Law with High Honors. As a law student, he was a member of the Society of Wig and Robe, the National Moot Court team and served on the University of South Carolina Law Review.

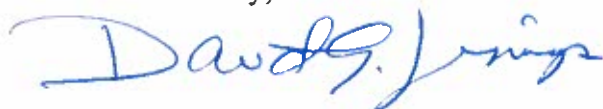
In addition to Mr. Jennings, Mr. Bruorton and Mr. Muller, all Rosen Hagood attorneys will be made available to assist in the performance of the City's legal service as needed. Rosen Hagood is willing and able to provide all legal services listed within the RFP and additional legal services that may arise and be requested. All attorneys, paralegals and legal assistants are readily available from the hours of 8:30-5:30 Monday – Friday by email and telephone. Rosen Hagood attorneys are also accessible by email and telephone after business hours.

The support staff at Rosen Hagood are highly valued and integral to helping our attorneys deliver excellent customer service and reach success for our clients. Each member of our support staff has a strong work ethic and commitment to excellence. Paralegals are tasked with assisting in case development, discovery production and review, deposition preparation, and mediation and trial preparation. Our attorneys and staff work quickly and efficiently together to provide the best

quality service to its clients that it can. Attorneys are primarily responsible for their cases and delegate tasks to both paralegals and legal assistants to better manage the files and keep costs down to clients. Rosen Hagood is highly regarded throughout the legal community for its ability to resolve complex legal matters by applying a depth of experience and the utmost integrity to attain optimal results on behalf of its valued clients.

The remaining submittal requirements specified in the RFP are enclosed. On behalf of our firm, we genuinely appreciate your consideration of our proposal for the City's RFP for City Attorney and look forward to your response.

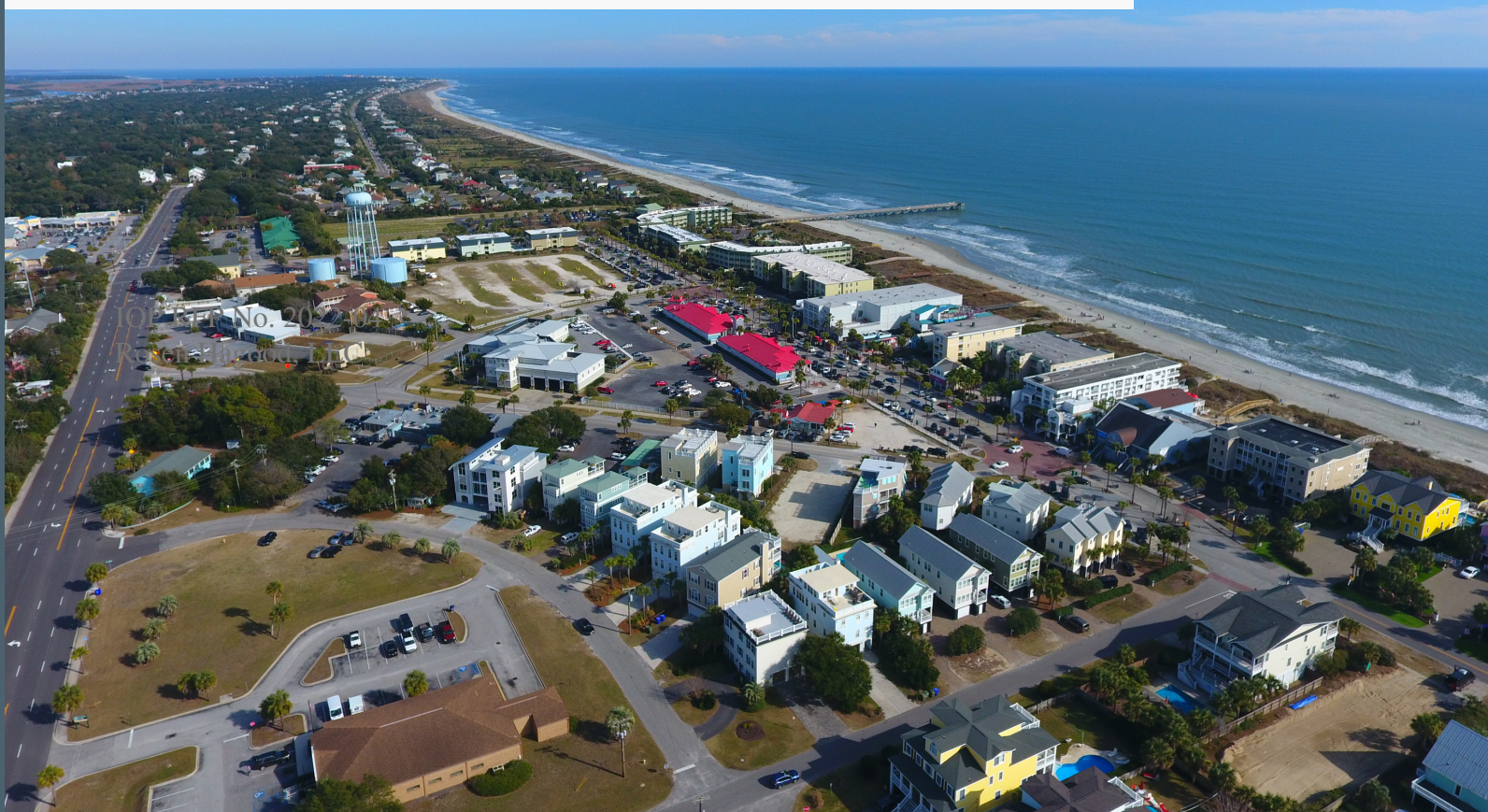
Sincerely,

A handwritten signature in blue ink, reading "David G. Jennings". The signature is fluid and cursive, with the first name "David" being the most prominent part.

David G. Jennings

RFP RESPONSE

2022-04 ISLE OF PALMS CITY ATTORNEY



SECTION A

Resume

David Jennings is an experienced attorney representing municipalities, counties, and special purpose districts for more than 50 years. Trusted advisor to clients providing general counsel services and litigation support as needed.

Attorneys Chip Bruorton and Tim Muller will also be available to the City of Isle of Palms as part of the firm's government law practice group.

See full resumes enclosed as APPENDIX #1



SECTION B

Cover letter explaining qualifications, employment history, legal training, years of practice, municipal or other local public sector experience, litigation experience and track record, knowledge and practice of law relating to land use and planning, real estate, environmental issues, general liability, and any other information the bidder wishes to submit.

See enclosed cover letter

SECTION C

Contact information, including home and work addresses, phone numbers, and email address.



DAVID G. JENNINGS

W: 40 Calhoun St. Suite 450
Charleston, SC 29403
H: 2 Marsh Point Ln.
Isle of Palms, SC 29451
(843) 577-6726
djennings@rosenhagood.com



JAMES A. "CHIP" BRUORTON, IV

W: 40 Calhoun St. Suite 450
Charleston, SC 29403
H: 448 Barbadian Way
Mount Pleasant, SC 29464
(843) 577-6726
cbruorton@rosenhagood.com



TIMOTHY J.W. MULLER

W: 40 Calhoun St. Suite 450
Charleston, SC 29403
H: 13 Felix St.
Charleston, SC 29403
(843) 577-6726
tmuller@rosenhagood.com

SECTION D

Describe the response time the City can expect to inquiries made by the City Council and City Administrator

The primary attorney or one of the designated attorneys will generally be available for immediate contact by telephone communication. The primary attorney or one of the designated attorneys will respond to e-mail inquiries as promptly as possible, generally within a few hours. We have found that in our representation of governmental entities, it is to our clients' benefit that we operate as a team, which enables timely response to inquiries and maintains minimal scheduling conflicts with any matters requiring attendance or urgent attention.

SECTION E

Identify the types of training (FOIA, Council's roles and responsibilities, etc.) you are capable of providing to the City:

Our firm can provide training to City Council and City employees regarding obligations arising out of South Carolina's Freedom of Information Act, S.C. Code Ann § 30-4-10 et al. Over the course of our representation of other governmental entities, we have provided training, developed memos of law, and offered legal guidance in responding to an extensive number of FOIA requests.

All designated attorneys are sufficiently experienced to administer training on how to successfully handle FOIA requests and disclose appropriate information from the outset of representation. Further, in our capacity as general counsel for governmental entities, the designated attorneys are familiar with and can address FOIA responsibilities and compliance as they pertain to meetings of public bodies.

We have also developed many legal research memos on the topic of obligations of governmental entities and their elected officials and officers and can similarly implement this information into any applicable training.

SECTION F

Provide the size of the firm and the list of resources, services and specializations within the firm.



Rosen Hagood, currently celebrating its 75th anniversary providing legal services, has 21 employees, including 11 individuals employed as attorneys in various roles. Rosen Hagood's office is located on the fourth floor of 40 Calhoun St. in downtown Charleston and offers client use of four conference room spaces newly renovated and equipped with technology suited for hosting client meetings, depositions, mediations, arbitrations, and trial preparation sessions.

The attorneys of Rosen Hagood practice law in a variety of areas beyond municipal and local government representation, including a combination of transactional and litigation services in the areas of construction, commercial, corporate, and business, employment and labor, securities, bankruptcy, insurance bad faith, personal injury, eminent domain/condemnation, probate and estate litigation, and family law.

Our attorneys have served in the role as mediator and arbitrator in a range of matters. The full resources of our firm, including access to all attorneys in our firm and their respective practice areas, are available to the City of Isle of Palms upon engagement of Rosen Hagood for the performance of legal services.

SECTION G

A statement of any grievances filed against the attorney with the S.C. Commission on Lawyer Conduct List within the past five years and the resolution of each.

Not applicable

SECTION H

A statement of any fee disputes filed by a client with the S.C. Bar's Fee Disputes Resolutions Board within the past five years and the resolution of each.

Not applicable

SECTION I

A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each:

Not applicable

SECTION J

Professional References

For Mr. Jennings:

Town of Mount Pleasant (843-884-8517)
100 Ann Edwards Ln. Mount Pleasant, SC 29464
Contact: Mr. Will Haynie, Mayor

For Mr. Jennings, Mr. Bruorton, and Mr. Muller:

Mount Pleasant Waterworks (843-884-9626)
1619 Rifle Range Rd, Mt Pleasant, SC 29464
Contact: Mr. Rick Crosby, Commission Chair
Mr. Allan Clum, General Manager

North Charleston Sewer District (843-764-3072)

7225 Stall Rd, North Charleston, SC 29406
Contact: Mr. Jarred Jones, Executive Director

For Mr. Bruorton:

Mashburn Construction (843-853-4303)
1202 Chuck Dawley Blvd, Mt Pleasant, SC 29464
Contact: Mr. Richard Kinard, Vice President

For Mr. Bruorton and Mr. Muller:

James Island Public Service District (843-762-5234)
1739 Signal Point Rd. Charleston, SC 29412
Contact: Mr. Dave Schaeffer, District Manager

For Mr. Muller:

City of Charleston (843-724-3730)
50 Broad St. Charleston, SC 29401
Contact: Ms. Julia Copeland, Deputy Corporate Counsel

SECTION K

Price and Cost Proposal

Rosen Hagood, LLC's hourly rate proposal and billing detail is set forth below for attorneys assigned to the City at reduced respective hourly rates. Other attorneys from the firm shall be available to the City upon request, as needed, also at reduced respective hourly rates. Rosen Hagood, LLC attorneys record all time in six-minute intervals. Our clients are billed for the time our attorneys dedicate performing work on the clients file, including time for legal research, telephone conferences, travel to and from appointments or case related hearings, mediations, arbitrations or trials. From time to time, it may be necessary for attorneys to have meetings together to discuss the strategy of the case and outline specific courses of action. These meetings are generally billed by all attorneys in attendance but are only held when necessary and to better serve the client. Rosen Hagood, LLC has negotiated its billing guidelines with clients in the past to include the senior most attorney only billing for meeting time with other attorneys within the firm. Fee structure can be negotiable and alternative fee arrangements can be considered, including, but not limited to, an estimated monthly retainer to include legal fees for standard legal services for the City.

Rosen Hagood, LLC proposes to charge hourly rates for the City assigned attorneys commiserate with experience as follows:

DAVID G. JENNINGS

Position: Of Counsel
Hourly Rate: \$325.00

JAMES A. "CHIP" BRUORTON, IV

Position: Member
Hourly Rate: \$325.00

TIMOTHY J.W. MULLER

Position: Member
Hourly Rate: \$300.00

Hourly rates for generic positions (i.e., secretary, administrative assistant, law clerks, etc...)

PARALEGAL

Hourly Rate: \$125.00

LAW CLERK

Hourly Rate: \$110.00

Rosen Hagood, LLC. does not bill clients for administrative tasks performed by legal assistants.

Rosen Hagood, LLC proposes the following standard costs that are charged to all governmental and institutional clients of the firm:

POSTAGE

Rate: Actual Cost

MILEAGE

Rate: \$.625/ mile (IRS rate)

LEGAL RESEARCH

Rate: % of Monthly subscription cost based on
monthly usage

EXTERNAL COSTS

i.e. deposition transcripts, lodging, etc...

Rate: Actual Cost

EXPERT WITNESS COST

Rate: Actual Cost

SECTION L

Oath of Non-Collusion

COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)

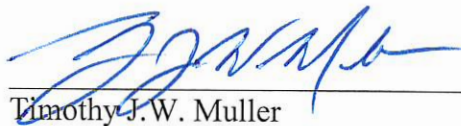
AFFIDAVIT OF NON-COLLUSION

Timothy J.W. Muller, after being duly sworn, deposes and states as follows:

I am an adult, suffer under no legal disability and am fully competent to testify to the matters set forth herein. I am a resident and citizen of the State of South Carolina and am a member of the law firm Rosen Hagood, LLC, located in the City of Charleston, County of Charleston, and State of South Carolina, and am authorized to make this affidavit on behalf of Rosen Hagood, LLC, its members, and attorneys.

On behalf of Rosen Hagood, LLC, I have participated in preparing a response to the Request for Proposals titled RFP No. 2022-04 and have executed the said response with full authority to do so and that Rosen Hagood, LLC, and its attorneys, including myself, Mr. David G. Jennings, and Mr. James A. Bruorton IV, have not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named Request for Proposals; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the City of Isle of Palms relies upon the truth of the statements contained in said response and in the statements contained in this affidavit in awarding the contract for the position.

ROSEN HAGOOD, LLC



Timothy J.W. Muller
Its: Member

SWORN to before me this

5th day of October, 2022

Suzanne Eschenbrenner (SEAL)

NOTARY PUBLIC FOR SOUTH CAROLINA
MY commission expires: 3/31/2031

Suzanne Eschenbrenner
Notary Public, State of South Carolina
My Commission Expires March 31, 2031

SECTION M

Insurance Requirements

The insurance coverage requirements detailed in the RFP are readily available and already in place for Rosen Hagood, LLC and any additional coverage requirements may be arranged following confirmation of an award and prior to the commencement of work.



JAMES ATKINSON “CHIP” BRUORTON, IV

Member

An experienced attorney providing counsel and litigation support to clients including local government entities, construction companies and contractors, and businesses.

EMPLOYMENT HISTORY

Rosen Hagood, LLC

Charleston, SC

Attorney, Member

2003 - Present

Practice Areas: Administrative & Government,
Construction Litigation, Construction Litigation
Law Clerk

2002

Woolf, McClaine, Bright Allen & Carpenter, PLLC

Knoxville, TN

Law Clerk

2001 - 2003

State Farm Insurance Companies

Greenville, SC

Summer Intern

1999

CONTACT

(843) 266-8119

cbruorton@rosenhagood.com

40 Calhoun St. Suite 450

Charleston, SC

EDUCATION

University of Tennessee College of Law

Knoxville, TN

J.D., cum laude

Clemson University

Clemson, SC

Bachelor of Science, Financial
Management

CIVIC COMMUNITY AND/OR PROFESSIONAL ACTIVITIES

Charleston County Bar Association - Member since 2003

South Carolina Bar Association - Member since 2003

Member of Mount Pleasant Presbyterian Church

- Deacon (2019-2021)
- Stewardship Committee (2021-2022)



DAVID G. JENNINGS

Special Counsel

An experienced attorney representing municipalities, counties, and special purpose districts for more than 50 years. Trusted advisor to clients providing general counsel services as needed.

EMPLOYMENT HISTORY

Rosen Hagood, LLC

Charleston, SC

Attorney, Special Counsel

1999 - Present

Practice Areas:

Charleston County Aviation Authority

Charleston, SC

Board Member

1980-1995; 2002-2010

Board Chairman

1988-1995; 2004-2010

CIVIC COMMUNITY AND/OR PROFESSIONAL ACTIVITIES

South Carolina Bar Association

Charleston County Bar Association

Charleston County Bar Board of Governors, Pst Member

United States Court of Appeals, Fourth Judicial Circuit

United States Supreme Court

ACI- NA Commissioners

- Steering Committee Member (2003-2010)
- Executive Committee Member (2004-2010)
- Secretary (2006-2007)

PERSONAL

Resident of Isle of Palms since 1996

Married to Linda Bailey

Two grown sons, six grandchildren

CONTACT

(843) 577-6726

djennings@rosenhagood.com

40 Calhoun St. Suite 450
Charleston, SC

EDUCATION

University of South Carolina School of Law

Columbia, SC

J.D., Magna Cum Laude

Davidson College

Davidson, NC

Bachelor of Arts



TIMOTHY J.W. MULLER

Member

An experienced attorney with a legal practice focusing on the needs of local government, construction, and business clients. A demonstrated track record of favorable client outcomes through legal guidance, transactions, and litigation.

EMPLOYMENT HISTORY

Rosen Hagood, LLC

Charleston, SC

Attorney, Member

2008 - Present

Practice Areas: Administrative & Government,
Construction Litigation, Eminent Domain

Law Clerk

2007

Clawson & Staubes, LLC

Charleston, SC

Law Clerk

2006

Carolina Business Interiors, Inc.

Charleston, SC

Project Manager

2003 - 2004

Herman Miller, Inc.

Zeeland, MI

Dealer Services/Project Management

2000 - 2003

CIVIC COMMUNITY AND/OR PROFESSIONAL ACTIVITIES

South Carolina Bar Association

Charleston County Bar Association

City of Charleston Peninsula Neighborhood Consortium

City of Charleston Central Business District Commission

City of Charleston Hotel Task Force

City of Charleston Town and Gown Committee

Preservation Society of Charleston

CONTACT

(843)266-8129

tmuller@rosenhagood.com

40 Calhoun St. Suite 450
Charleston, SC

EDUCATION

Charleston School of Law

Charleston, SC

J.D., cum laude

Grand Valley State University

Allendale, MI

Bachelor of Arts, International Relations

**RESPONSE TO
CITY OF ISLE OF PALMS**

RFP 2022-04, City Attorney

October 14, 2022

**HAYNSWORTH
SINKLER BOYD**

HAYNSWORTH SINKLER BOYD, P.A.
134 MEETING STREET, 3RD FLOOR
P.O. BOX 340 (29402-0340)
CHARLESTON, SOUTH CAROLINA 29401
MAIN 843.722.3366
FAX 843.722.2266
www.hsblawfirm.com

STAFFORD J. MCQUILLIN III
DIRECT 843.724.1120
mmcquillin@hsblawfirm.com

October 14, 2022

Ms. Desirée Fragoso
City Administrator
City of Isle of Palms
1207 Palm Boulevard
Isle of Palms, SC 29451

Dear Ms. Fragoso:

On behalf of Haynsworth Sinkler Boyd, P.A., I am pleased to submit the enclosed response to the Request for Proposal for City Attorney.

We have been privileged to serve as the City of Isle of Palm's Assistant City Attorney, and we look forward to continuing our relationship with you and the City. I would be honored to serve as City Attorney and my colleague Elliot Condon would be your contact as Assistant City Attorney. Bryan Kitz and Perry MacLennan would also continue to work with the City. We remain ready and able to deliver the highest quality legal services to the City.

Our comprehensive local government law experience, combined with our innovative and cost-efficient service, well qualifies our firm to best serve the City's needs.

We appreciate having the opportunity to submit this proposal. Please do not hesitate to contact me if you need any further information.

Sincerely yours,



Stafford J. McQuillin III

TABLE OF CONTENTS

SECTION 1: Qualifications

SECTION 2: Proposed Team

SECTION 3: References

SECTION 4: Proposed Fee Structure

SECTION 5: Additional Information

SECTION 1

Qualifications

Haynsworth Sinkler Boyd has offices in Charleston, Columbia, Florence and Greenville, South Carolina and Raleigh, North Carolina. Our attorneys are experienced in representing public sector entities such as municipalities, counties, special purpose districts and school districts.

Governmental Counsel Roles

Our attorneys have served in a variety of counsel roles for the following:

- Charleston County Park and Recreation District
- Charleston Water System
- City of Charleston
- City of Hanahan
- City of Johnsonville
- City of Lake City
- City of North Charleston
- Florence County
- Greenville County
- Town of Mount Pleasant
- Town of Saluda
- Town of Sullivan's Island
- The State Ports Authority

In such roles, we have provided advice and counsel on a wide array of matters, including land use and planning, real estate, environmental issues, litigation, procurement, public finance, employment, FOIA, governance issues, election protests, federal grant programs, contracts, code enforcement, drafting ordinances, and zoning matters.

We are experienced in communicating clearly and effectively to council members so they are able to make informed business decisions that are, by virtue of the individual organization's governmental status, often subject to public scrutiny.

Council Administration and Governance

Our attorneys have extensive experience advising mayors, city council members and city administrators on a number of finance, regulatory and governance matters, including:

- develop policies and procedures required for governmental entities, including those addressing public documents, parliamentary procedures, executive sessions and open meetings under FOIA;
- advise on council member legal and ethical responsibilities, including developing and following processes for addressing conflicts of interest and appearances of conflicts of interest;
- draft, review and/or update council documents, including ordinances, resolutions, contracts, memoranda, reports, deeds, leases and other legal documents;

Qualifications

- prepare meeting agendas, review public notices and ensure that meetings adhere to local rules;
- advise on the legal requirements of the South Carolina Ethics Act and assist with drafting ordinances and resolutions for approval; and
- prepare intergovernmental agreements and guide such agreements through the proper process for Council approval and implementation.

Municipal Code Sections and Regulations

Our firm has experience in designing and drafting Municipal Code Sections and Regulations for code enforcement actions, unfit dwellings, procurement, FOIA compliance and analogous sections, as well as working with MuniCode on updating and getting online entire Codes of Ordinances.

Land Use and Planning

We have represented municipalities in the negotiation of annexations, development agreements and PUD zoning provisions. We have represented clients in land use and zoning proceedings and have coordinated the acquisition and development of real estate tracts, including compliance with local and state planning and permitting. Our planning and zoning attorneys guide clients through every aspect of the land use approval maze—securing planning, zoning, special permitting, variances and subdivision approvals for various projects. Our attorneys often appear before planning commissions, city and county councils, zoning boards and other administrative bodies.

Environmental Law

Our attorneys assist clients with environmental permits and provide representation and counsel on compliance and enforcement issues involving environmental matters. We regularly assist clients in conducting environmental due diligence and assessing and minimizing environmental risk in business transactions. Our attorneys have represented clients in environmental matters before administrative, state and federal courts.

We have defended through trial a local government in a multi-party CERCLA contribution action, defended a municipality in a Clean Water Act suit alleging non-compliance with its storm water permit, advised government clients on permit compliance and enforcement matters, contamination issues and minimization of environmental liability in acquisition of real property, including Responsible Party and Non-Responsible Party Voluntary Clean-up Contracts with SC DHEC and advised clients in the public sector on the SC SUPERB Act (underground storage tank act).

Qualifications

Redevelopment Law

Our attorneys work alongside commissions, political subdivisions and state agencies to maximize the positive impact of new projects. We have assisted on economic incentive matters associated with the Abandoned Buildings Revitalization Act, Bailey Bill, Historic Tax Credits, Opportunity Zones and Fee-In-Lieu of Taxes for clients throughout South Carolina. We have worked with a number of municipalities to develop economic development programs, particularly those focusing on urban redevelopment.

Real Estate

Our firm has represented public entities in the acquisition, development and disposition of real estate. We have represented a special purpose district in the purchase of real property intended for development of a new headquarters and fire station, a county in the negotiation of development agreements for the redevelopment of county owned real property, including a new county administration complex and a municipality in the disposition of property.

We assist clients in negotiating purchase and sale agreements, coordinating and reviewing due diligence materials and closing transactions. We regularly advise on title matters, permitting and entitlement, financing, leasing, acquisition and disposition and are well-versed in environmental, easement and land dispute matters.

Commercial Law and Contracts

Haynsworth Sinkler Boyd has extensive corporate, commercial and financial practices. Virtually everything we do in those areas involves the practice of contract law, whether it be collaborations and partnerships involving our clients, the transfer or development of real estate, the financing of commercial projects or the formation, restructuring or dissolution of business ventures.

In particular, for those clients that we serve as general counsel or chief outside counsel, we are engaged in the negotiation or review of major contracts, whether with a supplier, a customer, a joint venture, a government agency or others. These contracts involve everything from the acquisition of services, raw materials or products from third party vendors (including intellectual property, licenses and business information technology systems) and service, employment and compensation arrangements to the sale of products, assets, equipment, operating divisions or securities.

Procurement

Our attorneys advise public authorities throughout South Carolina on procurement related issues, including providing counsel and training concerning procurement policies and ordinances, preparing bids, requests for proposals, request for qualifications and other solicitation documents, drafting, reviewing and negotiating contract documents and advising on contract awards.

Qualifications

FOIA Requests and Public Disclosure Issues/Notices

Our firm assists a wide variety of public clients, including municipalities, counties, special purpose districts, non-profit entities and large state research universities that are subject to FOIA. This work includes drafting responses to FOIA, reviewing requested documents for privilege or other exemptions and performing electronic searches and data sorting for requests involving large amounts of electronic data.

We are highly experienced with assisting clients in responding to requests under, and ensuring compliance with, FOIA. On behalf of our governmental clients, we have addressed and handled FOIA requests from the media, advocacy groups, concerned citizens and businesses. Our work in these matters includes reviewing responsive documents to determine whether they are exempt from disclosure and preparing written responses asserting legal exemptions. We have also represented various public bodies in lawsuits involving FOIA.

In addition, our attorneys routinely advise governmental boards on the legal requirements applicable to public meetings, executive sessions, personal e-mail accounts and notes, questions from the media and high-profile hiring processes.

Finance

Our firm provides advice and counsel on budget process and procedure and audits. We work with CPAs and auditors to locate errors and provide advice as to how errors should be corrected and avoided. In addition, we assist in preparing budget ordinances.

Haynsworth Sinkler Boyd has the oldest and one of the most extensive public finance practices in South Carolina. Our attorneys have played a leading role in developing public finance law and structures in South Carolina, including Home Rule for cities and counties, revenue and general obligation bond statutes, lease-purchase and installment purchase financing arrangements and dozens of “test cases” in which the South Carolina Supreme Court has approved structures and strategies developed by our lawyers to assist clients achieve their objectives.

Our public finance attorneys have served as bond counsel, special tax counsel, disclosure counsel, underwriter’s counsel, letter of credit bank counsel and derivatives counsel in connection with billions of dollars of tax-exempt bond issues for general government projects.

Qualifications

Employment

Our employment attorneys are experienced in representing public sector employers and understand the issues that arise from local, county, state and federal governmental operations.

As a strategic partner working alongside our clients, our primary focus is assisting clients in avoiding the disruption in the workplace that can occur when employment issues arise. Our employment team makes itself readily available to clients when they need advice, understanding human resource related issues often cannot wait. Our team is fully staffed to provide advice and counsel to our clients on virtually every issue that arises from hiring through the end of the employment relationship, including the handling of employee grievances and unemployment claims.

Our team is committed to keeping our clients up to date on the ever evolving myriad of employment laws impacting the workplace by providing training for client's employees, management and human resources personnel. We also track legal trends for our clients and provide timely updates on workplace issues on our [employment blog](#).

Our team routinely responds to charges of discrimination before the Equal Employment Opportunity Commission (EEOC) and the South Carolina Human Affairs Commission. We are also experienced in responding to complaints and audit requests presented by the US Department of Labor and the South Carolina Department of Labor, Licensing and Regulation.

When faced with litigation, our employment team has extensive experience litigating employment claims, having defended over 200 cases in South Carolina federal court alone.

Litigation

Our attorneys have represented public bodies in more than 75 lawsuits and administrative contests that have variously involved constitutional claims, FOIA, bid protests and other challenges to the award of contracts, construction claims, condemnation claims, tort claims and property tax protests. We serve as litigation counsel for our local government clients in cases related to government powers and contracts.

We have litigated contract disputes over restrictive covenants, wrongful termination, handbook and policy claims, employment agreements and whistleblower claims in state and federal court and before governing administrative agencies.

We have argued before the South Carolina Courts of Common Pleas, the South Carolina Court of Appeals, the South Carolina Supreme Court, the Chief Procurement Officers for General Services and Construction and the South Carolina Procurement Review Panel, as well as local administrative boards of appeal. A significant amount of the litigation that we handle for our governmental clients relates to the enforcement of contracts and the defense against claims of breach or interpretation thereof.

Qualifications

Our attorneys handle a wide range of first party and third party insurance issues, including commercial general liability, directors' and officers' liability, employment practices liability, errors and omissions, products liability, property and more.

We regularly advise clients on the handling of insurance based relationships, regularly representing life, health and disability insurers on matters relating to both individual policies as well as third party administrators of ERISA life, health and disability plans.

In addition, our attorneys advise clients on all aspects of insurance issues, from policy negotiation to claim presentation and coverage litigation to settlement—for both policyholders and insurers.

Haynsworth Sinkler Boyd has an established history of working with insurance carriers as approved panel counsel and currently represents 17 different insurance carriers. In such a capacity, we regularly handle the submission and response to various tender and indemnity obligations.

Where possible, however, our attorneys endeavor to seek alternative methods of dispute resolution in order to avoid the expense and uncertainty of litigation. We are experienced in representing clients in mediation before federal and state regulatory agencies or in private mediation held as part of the litigation process. Where mediation has proved unsuccessful and litigation deemed not to be advantageous, our attorneys have resolved numerous disputes through a variety of different arbitration techniques.

We are accustomed to coordinating with other special counsel and overseeing litigation handled by outside counsel, including counsel on behalf of City insurance carriers.

Response Time

We understand that when an issue arises, our clients want to speak with an attorney and receive immediate response and counsel. In our experience, this is especially true in the public sector when clients are pressed for information from the media or information is needed so they can take timely action. We are proud to offer same day responses to the City Council and City Administrator. Our attorneys provide simple, real-time answers and address questions that may require more extensive research. We offer direct contact information to our clients for times when emergencies arise.

Qualifications

Training

We are able to provide the City training on matters such as FOIA, general governance, procurement, code drafting and enforcement, planning and zoning and on any laws that impact the employment relationship to employees (exempt and non-exempt), human resources personnel, administration and governing bodies. We offer supervisory training programs with an emphasis on performance evaluation and documenting disciplinary actions.

Training can be tailored to address specific issues impacting the workplace or can be in the form of a more general, legal update. Training sessions can be held quarterly or yearly.

A statement of any grievances filed against the attorney with the S.C. Commission on Lawyer Conduct List within the past five years and the resolution of each.

By “grievances” we understand that term to mean complaints filed with the South Carolina Supreme Court’s Office of Disciplinary Counsel. The South Carolina Supreme Court Rules for Lawyer Discipline Enforcement prohibit the disclosure of the existence of any complaint unless formal charges are brought against an attorney by the Office of Disciplinary Counsel. We are not aware of any formal charges filed by the Office of Disciplinary Counsel against any attorney in our firm. No attorney in our firm has been the subject of any public discipline.

A statement of any fee disputes filed by a client with the S.C. Bar’s Fee Disputes Resolutions Board within the past five years and the resolution of each.

None.

A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each.

None.

SECTION 2

Proposed Team

Mac McQuillin will serve as your main point of contact and ensure that all responses to the City Council and City Administrator are provided in a timely and cost-effective manner. He will plan to attend city council, board, commission and standing committee meetings, as requested.

Full bios on each team member can be found in Section 5.



Mac McQuillin

Area of Practice: General Municipal Law and Governmental Litigation

Mac advises government entities in complex matters and has extensive experience with both jury and non-jury trials. He has most recently represented the City as Assistant City Attorney and would be your primary contact as City Attorney.

As a lawyer and member of the Berkeley County School District Board, he has firsthand involvement with a variety of legal issues faced by public entities, including bond referendum litigation, constitutional issues, FOIA, proper executive session procedure and other general litigation matters, including contract, construction, statutory and procurement matters.

Mac recently assisted a county in advising them on a referendum to change the county's form of government from a supervisor form to an administrator form. He handles a variety of tort liability and other insured claims and has litigated matters throughout South Carolina state and federal courts. Mac is a Certified Circuit Court Mediator and has extensive experience in resolving disputed matters to avoid the expense and uncertainty of litigation.



Elliot Condon

Area of Practice: Litigation and Employment

Elliot's practice focuses on litigation and employment matters. She has represented clients in a variety of government litigation matters. Elliot also works with employers on employment agreements, wage payment matters and other state employment-related regulations.

Proposed Team



Bryan Kitz

Area of Practice: Real Estate

Bryan is a commercial real estate attorney who counsels clients on a broad range of transactional matters. He has recently assisted the City of Isle of Palms with lease negotiations.

He represents developers and other businesses in the acquisition, disposition and financing of real estate, including multifamily, office, industrial and hospitality properties. In addition, Bryan provides legal guidance regarding the establishment and governance of condominium developments and the acquisition and regulation of manufactured housing portfolios in South Carolina.



Perry MacLennan

Area of Practice: Employment

Perry has acted as outside employment counsel to local governments, public utilities, non-profits, major South Carolina corporations and small businesses. He provides day-to-day advice and counsel on items such as disciplinary issues, leave requests, new hire paperwork, personnel files and much more. Perry has assisted the City with several employment matters.

He drafts and reviews employment applications, agreements, policies and handbooks to ensure federal and South Carolina law compliance, and he handles day-to-day sensitive communications between employers and their employees. He provides management and employee training.

Perry has defended numerous Title VII, ADA Act, Retaliation and Whistleblower claims in both state and federal court, as well as before the EEOC and the SCHAC. He provides advice and counsel on compliance with OSHA, and he represents clients in regard to any OSHA audits or other administrative actions requiring representation.



John Boyd

Area of Practice: Environmental, Administrative and Regulatory, Local Government Law

Serving as outside general counsel for the Town of Saluda, John and our firm's team routinely advise the Town on matters such as general governance, election issues, code and ordinance matters, real estate and employment.

His environmental practice includes permitting, enforcement, due

Proposed Team

diligence and risk assessment, real estate transactions, environmental audits, voluntary cleanup contracts, brownfield redevelopment and traditional issues surrounding toxic substances, hazardous and solid waste management, air emissions and water quality. His practice also includes work in commercial contracts, business transactions and zoning.



Nick Nicholson

Area of Practice: FOIA, Procurement and Contracts and General Municipal Law

Nick is our firm's Managing Director, and he advises public authorities throughout South Carolina on FOIA matters, procurement related issues, including providing counsel and training concerning procurement policies and ordinances, preparing bids, requests for proposals, request for qualifications and other solicitation documents, drafting, reviewing and negotiating contract documents and advising on contract awards.

He has represented public bodies in more than 75 lawsuits and administrative contests that have variously involved constitutional claims, FOIA, bid protests and other challenges to the award of contracts, construction claims, condemnation claims, tort claims and property tax protests. He advises public and private owners on contractual issues and represents them in construction related actions in state court, mediation and arbitration.



Jeremy Cook

Area of Practice: Public Finance

Jeremy is co-leader of our Public Finance practice group. He regularly serves as bond counsel, disclosure counsel and underwriter's counsel in connection with bond issues for cities, counties, state entities and school districts across South Carolina. During his two decades with our firm, Jeremy has handled nearly every type of governmental bond issue including general obligation bonds, tax increment bonds, improvement district bonds, utility bonds, limited obligation bonds, water and sewer bonds, parking bonds, stormwater bonds, installment purchase revenue bonds and special source revenue bonds.

SECTION 3

References

Courtney Soler
City Administrator
City of Hanahan
843.576.5255

csoler@cityofhanahan.com

Services provided: general advice and counsel, including real estate, employment, litigation and bond work

Johnny Cribb
County Supervisor
Berkeley County
843.719.4094

johnny.cribb@berkeleycountysc.gov

Services provided: general advice and counsel, including procurement, litigation, real estate, bond work, employment, FOIA and governance issues

William Hall
City Administrator
Lake City
843.374.5421

whall@cityoflakecity.org

Services provided: general advice and counsel, employment, litigation, governmental affairs, FOIA responses, ordinance drafting and bond work

Mark Tollison
County Attorney
Greenville County
864.467.7639

mtollison@greenvillecounty.org

Services provided: general advice and counsel, procurement advice, general litigation, FOIA advice, real estate and bond counsel

SECTION 4

Proposed Fee Structure

Our services will be based on current firm billing rates with a 15% discount, provided, however, that no hourly fee charge will exceed \$295 per hour. Standard rates range from \$150 per hour (for paralegals) to \$250 per hour (for associates) to \$525 per hour (for shareholders and special counsel). Bond transactions are charged on a fixed fee basis depending on the size of the transaction.

Schedule of Primary Charges:

Travel mileage	At IRS allowable rate -- \$0.56 per mile effective 01/01/2021
Other travel (airfare, hotels, lodging, meals, ground transportation)	At cost
Postage	At cost
Express courier charges (such as FedEx)	At cost
Long distance telephone (including for facsimile transmission)	At cost
Facsimile transmissions	No charge other than long distance where applicable
Out-of-office messenger costs	\$5 plus mileage charges indicated above
Electronic legal research	For Lexis or Westlaw electronic legal research, HSB has negotiated a flat annual payment which includes most, but not all, of the Lexis and Westlaw databases. In accordance with Firm policy, you will be billed at a flat rate of \$15.00 per search on included databases. This charge is calculated to approximate, but not to exceed, HSB's cost associated with the provision of the services. The flat rate may be adjusted annually depending upon usage, but will in no event be set in the aggregate to recoup more than HSB's annual payment to Lexis or Westlaw. For non-included Lexis or Westlaw databases, you will be billed at the cost to HSB.

This RFP response is for informational purposes only. Any result the law firm and/or its attorneys may have achieved on behalf of clients in other matters does not necessarily indicate similar results can be obtained for other clients.

SECTION 5



STAFFORD J. MCQUILLIN III

SHAREHOLDER

CONTACT

mmcquillin@hsblawfirm.com

P 843.724.1120

F 843.772.2266

134 Meeting Street
3rd Floor
Charleston, SC 29401

INDUSTRIES

Business & Consumer Products
Financial Services
Government, Utilities & Nonprofit
Professional Services
State & Local Governments

SERVICES

Business Litigation
Governmental Organizations
Mediation
Shareholder Litigation
Trust & Estate Litigation

EDUCATION

University of South Carolina, J.D.,
cum laude, 2009
University of South Carolina, B.A.,
magna cum laude, 2005

ADMISSIONS

South Carolina, 2009
U.S. District Court, South Carolina,
2010
U.S. Court of Appeals, Fourth
Circuit, 2011

www.hsblawfirm.com

A versatile trial attorney with deep ties to his native Charleston, South Carolina, Mac McQuillin blends an established business litigation practice with an emerging practice as a certified Circuit Court Mediator. He advises individuals, local businesses and government entities in complex matters, and has extensive experience with both jury and non-jury trials.

Mac's law practice is well-rounded in that he serves as trial counsel on both sides of the aisle - he prosecutes cases on behalf of clients and also defends clients when they are sued. Mac regularly litigates LLC and partnership disputes, property tax appeals, probate, estate and trust cases, and provides general counsel and litigation services to local governments. He also is frequently involved in personal injury, construction and contract cases.

In 2014, Mac was elected to serve on the Berkeley County School District Board (the fourth largest school district in South Carolina). He was re-elected in 2018. Mac currently serves as the Chairman of the Finance and Capital Planning Committee.

Prior to Haynsworth Sinkler Boyd, Mac served as a law clerk to the Governor of South Carolina, where he researched existing and proposed legislation and its impact on the state. He also advised the Governor's Chief Legal Counsel on various legal matters involving the Executive Office.

HONORS AND AWARDS

- *The Best Lawyers in America*® Commercial Litigation (2020-2023)
- *South Carolina Super Lawyers*® "Rising Stars" Business Litigation (2014-2022)
- *South Carolina Lawyers Weekly* Leadership in Law Award 2017
- Martindale-Hubbell AV Preeminent® Rating, High Ethical Standing
- *Charleston Regional Business Journal* "Forty Under 40" 2021
- *Charleston Business Monthly* "Legal Elite of the Lowcountry" Education 2022 and Government Affairs 2017

STAFFORD J. MCQUILLIN III SHAREHOLDER

- Order of the Coif
- Order of the Wig and Robe
- Order of Barristers

PROFESSIONAL AND CIVIC ACTIVITIES

- Berkely County School Board, Board Member (2014-Present)
- Lord Berkeley Conservation Trust, Board Member (2014-Present)
- Beresford Hall, Board of Governors (2018-Present)
- Junior Achievement of Greater South Carolina - Coastal Area, Board Member (2016-2018)
- Berkeley County Bar Association
- Charleston County Bar Association

PRESENTATIONS AND PUBLICATIONS

- “[State Court Docket Watch: Adams v. McMaster](#),” The Federalist Society’s State Court Docket Watch: 2020 Edition, December 16, 2020
- “Case Law Update,” South Carolina Bar CLE Webinar: South Carolina Limited Liability Companies, September 18, 2020
- “Public Records Issues,” National Business Institute, Ensuring Local Governments Comply with the Law Seminar, Columbia, SC, January 30, 2020
- “Managing Your Liability When Clients Breach Their Fiduciary Duties,” HSB 2019 Corporate Law for Accountants Seminar Series
- “Local Government Litigation Update – Impact Fee Litigation, Opioid Litigation (State and Federal) and FOIA,” South Carolina Association of County Attorneys Annual Meeting, Hilton Head Island, SC, August 5, 2018
- “Legal Issues Affecting Local Government and Municipalities,” National Business Institute CLE Live Seminar, February 2017
- “How to Get Your Social Media, Email and Text Evidence Admitted (and Keep Theirs Out),” National Business Institute CLE Live Seminar, February 2017
- “Recent Developments Under the South Carolina Freedom of Information Act (FOIA),” Greene, Finney & Horton CPE Seminar, May 2016
- “Irreconcilable Differences - LLC Disputes - Business Divorce Cases,” HSB 2014 Corporate Law for Accountants Seminars



ELLIOT CONDON ASSOCIATE

CONTACT

econdon@hsblawfirm.com

P 843.720.4496

F 843.772.2266

134 Meeting Street
3rd Floor
Charleston, SC 29401

INDUSTRIES

Business & Consumer Products
Insurance

SERVICES

Employment
Personal Injury Litigation
Products Liability Litigation

EDUCATION

University of South Carolina, J.D.,
summa cum laude, 2018
Clemson University, B.A., magna
cum laude, 2015

ADMISSIONS

South Carolina, 2018
U.S. District Court, South Carolina,
2019
U.S. Court of Appeals, Fourth
Circuit, 2019

www.hsblawfirm.com

Elliot Condon's practice focuses on products liability and insured defense litigation. She represents clients in contract and bad-faith actions as well as coverage disputes. Elliot also works with employers on employment agreements, wage payment matters and other state employment-related regulations.

Prior to joining Haynsworth Sinkler Boyd, Elliot served as a Judicial Clerk to the Hon. Joseph F. Anderson, Jr., U.S. District Court for the District of South Carolina.

While in law school, Elliot served as a legal research assistant to an employment and labor law professor and the Executive Articles Editor of the *South Carolina Law Review*. In addition, she was a peer mentor, an academic tutor and a member of Phi Delta Phi Honors Society and the Student Bar Association. While at Clemson University, she was a member of Phi Beta Kappa and studied abroad in Quito, Ecuador.

HONORS AND AWARDS

- *Charleston Business Magazine* "Legal Elite of the Lowcountry Top Attorney Vote" Labor Law 2022
- *Charleston Business Magazine* "Legal Elite of the Lowcountry" Business Litigation (2021-2022), Employment Law – Defendant 2022 and Labor Law 2022
- Order of the Coif
- Order of the Wig and Robe
- Recipient of the Dean's Medallion

PROFESSIONAL AND CIVIC ACTIVITIES

- Charleston Metro Chamber of Commerce Spring Leadership Discovery Program, Class of 2020
- South Carolina Bar Young Lawyers Division



BRYAN J. KITZ

ASSOCIATE

CONTACT

bkitz@hsblawfirm.com

P 843.720.4417

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INDUSTRIES

Corporate & Business
Financial Services
Mortgage Banks & Lenders
Real Estate

SERVICES

Corporate & Business
Lending Transactions
Planning and Zoning
Real Estate
Real Estate Development

EDUCATION

Tulane University, J.D., cum laude,
2015
University of Virginia, B.A., 2009

ADMISSIONS

South Carolina, 2016
Texas, 2015

www.hsblawfirm.com

Bryan Kitz is a commercial real estate attorney who counsels clients on a broad range of transactional matters. He represents developers and other businesses in the acquisition, disposition and financing of commercial properties, including multifamily, office, industrial and hospitality. Bryan assists banks and other financial institutions in construction and permanent financing transactions and negotiates and drafts complex loan documents on behalf of clients. He represents landlords and tenants in commercial leasing matters and disputes, including ground leases. In addition, Bryan provides legal guidance regarding the establishment and governance of condominium developments and the acquisition and regulation of manufactured housing portfolios in South Carolina.

PROFESSIONAL AND CIVIC ACTIVITIES

- Risk Management Association, Greater Charleston Chapter, Board of Directors (2018-Present), Secretary (2019-Present)
- Charleston Metro Chamber of Commerce Leadership Discovery Program, Class of 2017
- Urban Land Institute
- American Bar Association
- South Carolina Bar
- State Bar of Texas

HONORS AND AWARDS

- Best Lawyers: Ones to Watch Real Estate Law (2022-2023)



PIERCE T. MACLENNAN

SHAREHOLDER

CONTACT

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INDUSTRIES

Corporate & Business
Government, Utilities & Nonprofit
Manufacturing
Nonprofit Institutions

SERVICES

Corporate & Business
Economic Development
Employment

EDUCATION

University of South Carolina, J.D.,
magna cum laude, 2014
Clemson University, B.A., 2011

ADMISSIONS

South Carolina, 2014

OFFICES

Charleston
Florence

www.hsblawfirm.com

Perry MacLennan is a workforce and business lawyer helping companies establish or expand operations in South Carolina and comply with various laws applicable to doing business here. Perry focuses on employment law, economic development incentives, contracts and general corporate matters. He is active in the community and the legal profession.

Perry has a passion for employment law. He regularly blogs about workplace issues at www.scmemployersblog.com and counsels clients daily on human resource concerns such as hiring, firing, leave, discrimination, safety and immigration. A skilled litigator when business disputes arise, Perry has argued before the Supreme Court of South Carolina and routinely handles lawsuits in both state and federal court. He has experience representing companies in government investigations from OSHA, the EEOC and the Department of Labor.

Perry also assists companies with economic incentives related to launching or growing their South Carolina presence such as fee in lieu of tax agreements, job development/tax credits and grant funding.

He regularly counsels clients on Fair Housing issues such as housing discrimination and compliance with the Federal Fair Housing Act and various HUD regulations. Perry has represented housing providers during fair housing investigations and lawsuits. He also provides advice/counsel to national fair housing training and compliance providers.

Perry currently serves as the President of the Clemson Young Alumni Council, President of the South Carolina Bar Young Lawyers Division and Administrative Director of the ABA Young Lawyers Division.

PIERCE T. MACLENNAN SHAREHOLDER

HONORS AND AWARDS

- *The Best Lawyers in America*® Employment Law – Management (2021-2023)
- *South Carolina Super Lawyers*® “Rising Stars” Employment & Labor (2018-2022)
- *Charleston Business Magazine* “Legal Elite of the Lowcountry” Labor & Employment Law 2020
- American Bar Association “On The Rise – Top 40 Young Lawyer” 2020
- American Bar Association Young Lawyers Division “Star of the Year” 2018
- Order of the Coif
- Order of the Wig and Robe
- *South Carolina Law Review*, Associate Editor-in-Chief
- Awarded top overall score in the 2012 Law Review Journal Writing Competition
- Finished in the top 5 of his law school class

PROFESSIONAL AND CIVIC ACTIVITIES

- South Carolina Economic Development Institute, Class of 2018
- Palmetto Society for Human Resource Management, Board of Directors, General Counsel (2017-2019)
- International Association of Young Lawyers, United States National Representative (2019-Present)
- Helping and Lending Outreach Support (HALOS), Board Member (2016-Present)
- Clemson University Young Alumni Council, President (2018-2019)
- American Bar Association, South Carolina Delegate to House of Delegates, Administrative Director of the Young Lawyers Division (2018-Present)
- South Carolina Board of Governors (2019-Present), House of Delegates (2019-Present)
- South Carolina Bar Young Lawyers Division, President (2020-Present), President-Elect (2019-2020), Secretary-Treasurer (2018-2019) and former member of Special Olympics, Professional Development, Make-a-Wish, ICivics and Bar Convention Committees
- LEADSC, Executive Committee (2016-2018)
- Charleston Metro Chamber of Commerce Leadership Discovery Program, Class of 2016
- South Carolina Chamber of Commerce, Human Resources Committee (2017-Present)

PRESENTATIONS AND PUBLICATIONS

- “**Employment Contracts - Considerations for Employers**,” HSB Employment Law Webinar, September 29, 2022
- “2022 Employment and Labor Update,” The Economic Development Partnership, Aiken, SC, July 21, 2022
- “**Greenville Starbucks Votes to Unionize**,” HSB Blog, June 1, 2022
- “**Mid-Year Legislative Update**,” HSB Employment Law Webinar Series, May 26, 2022
- “The Future of Employees’ Mobility” (Moderator), AIJA Half-Year Conference, Gothenburg, May 19, 2022
- “LGBTQ Compliance Post-Bostock,” Palmetto SHRM LGBTQ Workshop, Charleston, SC, March 29, 2022
- “Employment Contracts in South Carolina,” 2022 March Academy of the South Carolina Association of Veterinarians, Columbia, SC, March 20, 2022
- “**Biden to Sign Law Ending Mandatory Arbitration of Sexual Harassment Cases**,” HSB Blog, February 11, 2022
- “**HSB Employment Law Legislative Update Webinar**,” January 27, 2022
- “**U.S. Supreme Court Set to Rule on Vaccine Mandates**,” HSB Blog, December 23, 2021
- “**OSHA Vaccine Mandate Back On: What You Need to Know**,” HSB Blog, December 20, 2021
- “Pay Equity: Common Questions and Best Practices for Employers,” HSB Pee Dee SHRM Employment Law Update, Florence, SC, December 9, 2021
- “**Update on the Status of OSHA’s Vaccine Mandate**,” HSB Blog, November 16, 2021
- “**What Employers Need to Know About OSHA’s Emergency Temporary Standard**,” HSB 2021 Employment Law Webinar, November 15, 2021
- “OSHA Mandate Vaccine – What Employers Need to Know Under the ETS,” Grace Hill Webinar, November 11, 2021
- “**Vaccination Requirements Issued for Employers: What Employers in South Carolina Should Know**,” HSB Blog, November 4, 2021
- “Marijuana in the Workplace—to test or not to test?” South Carolina Manufacturers Alliance HR Meeting, October 14, 2021
- “Drug Free Workplaces and Drug Testing in the CBD/Marijuana Environment,” SC SHRM State Conference, September 21, 2021

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- "President Biden Asks OSHA to Mandate COVID-19 Vaccines," HSB Blog, September 10, 2021
- "HSB DEI Webinar Series: Pay Equity," August 19, 2021
- "3 Questions Employers Need to Consider When it Comes to Marijuana in the Workplace," HSB Blog, June 30, 2021
- "Mid-Year Employment Law Update: Enacted and Pending Legislation, New Cases and Developments, and More!," HSB 2021 Employment Law Webinar Series, May 27, 2021
- "South Carolina Enacts COVID-19 Liability Safe Harbor Act," HSB Blog, April 29, 2020
- "Where do we go from here? Applying Lessons Learned from COVID-19 to the Workplace Post-Pandemic," HSB 2021 Employment Law Webinar Series, April 22, 2021
- "Legislative Update," Pee Dee SHRM, April 20, 2021
- "Economic Development Incentives in South Carolina," South Carolina Economic Development Institute, Beaufort, SC, March 11, 2021
- "COVID and Employment Law Trends," South Carolina Association of Veterinarians Virtual Annual Meeting, March 7, 2021
- "What Employers Can Expect from the Biden Administration and 2021 South Carolina Legislative Session," HSB 2021 Employment Law Webinar Series, January 28, 2021
- "FFCRA Not Extended, But Credits Still Available," HSB Blog, December 29, 2020
- "EEOC - Employers Can Require Proof of COVID Vaccination, with Some Exceptions," HSB Blog, December 16, 2020
- "HR Trends: Don't Let COVID-19 Distract You From Other Important Developments," Pee Dee SHRM Webinar, December 2, 2020
- "Strategies for Staying Union-Free," Oconee Economic Alliance, December 1, 2020
- "HR Trends: Don't Let COVID-19 Distract You From Other Important Developments," Anderson University Virtual HR On Purpose Conference, November 12, 2020
- "What Employers Need to Know About Politics in the Workplace," Anderson University Virtual HR On Purpose Conference, November 10, 2020
- "Politics and the Workplace - Employers, Do You Have a Policy?," HSB Blog, November 3, 2020
- "Run it by Legal" (Panelist), South Carolina Manufacturers Alliance HR Professionals Virtual Annual Meeting, September 2, 2020
- "COVID-19 Update for Employers," HSB 2020 Employment Law Webinar Series, August 25, 2020
- "COVID-19 and Its Impact on Employment Law," Southern Law Network, August 20, 2020
- "Federal Court Strikes Down Portions of FFCRA Regulations," HSB Blog, August 5, 2020
- "COVID-19 Update," HSB 2020 Employment Law Webinar Series, July 8, 2020
- "South Carolina Passes Lactation Support Act," HSB Blog, July 6, 2020
- "DHEC Issues New Guidance for Employers," HSB Blog, June 30, 2020
- "COVID Legal Update," Cherokee HR Group Webinar, June 25, 2020
- "Supreme Court Finds Title VII Prohibits LGBTQ Discrimination," HSB Blog, June 16, 2020
- "HSB COVID-19 Update," HSB 2020 Employment Law Webinar Series, June 3, 2020
- "COVID-19 Employment Contract FAQs in the U.S.," Legalmondo, May 27, 2020
- "Employment Practices: What Employers Need to Know when Managing Employees - Pay Reduction," SC Chamber's Business in the Era of COVID-19: A Guide for Moving Your Business Forward, May 20, 2020
- "SBA Issues New Interim Rule on Foreign Affiliates," HSB Blog, May 18, 2020
- "Creating a Successful Return to Work Strategy," HSB 2020 Employment Law Webinar Series, May 13, 2020
- "Return to Work Plan," Independent Banks of SC (IBSC) Webinar, May 11, 2020
- "Transatlantic Trends from the Coronavirus Job Retention Scheme and the Paycheck Protection Program," HSB Blog, May 8, 2020
- "PPP Safe Harbor Repayment Deadline Extended, Treasury Promises Additional Guidance," HSB Blog, May 6, 2020
- "COVID-19 and FFCRA Check-in for Employers," HSB 2020 Employment Law Webinar Series, April 22, 2020
- "COVID-19 Considerations," Pee Dee SHRM Virtual Meeting, April 21, 2020

PIERCE T. MACLENNAN SHAREHOLDER

- “Answering Your Questions about the Paycheck Protection Program,” HSB Webinar, April 20, 2020
- [“Comprehensive Overview of the Paycheck Protection Program,”](#) HSB Blog, April 14, 2020
- “The SBA’s PPP Loan - Qualifying and Processing for Foreign-Owned Corporations,” HSB Webinar, April 9, 2020
- “Supporting Domestic Violence Survivors During COVID-19,” Grace Hill Webinar, April 8, 2020
- “COVID-19 Tax Credits How To: Qualifying and Processing,” HSB and Synergi Partners Webinar, April 7, 2020
- “FFCRA and CARES Act,” HSB 2020 Employment Law Webinar Series, April 1, 2020
- “Being the Best Employer Possible During These Times – Part II,” Together SC Webinar, April 1, 2020
- “How to Shift to a Remote Workforce,” SC Chamber of Commerce Webinar, March 31, 2020
- [“CARES ACT Stimulus Bill and Paycheck Protection Program,”](#) HSB Blog, March 30, 2020
- “COVID-19 Essentials: COVID-19 Health & Safety Best Practices for Multifamily,” Grace Hill Webinar, March 26, 2020
- [“Small & Midsize Businesses May Be Able to Swiftly Recover Cost of Coronavirus-related Leave,”](#) HSB Blog, March 26, 2020
- “COVID-19 Essentials: Unpacking the Family First Coronavirus Response Act for Multifamily,” Grace Hill Webinar, March 25, 2020
- “Be The Best Employer You Can Be During This Time,” Together SC Webinar, March 25, 2020
- [“DOL Issues Guidance on Families First Coronavirus Response Act,”](#) HSB Blog, March 25, 2020
- “COVID-19 and the Families First Coronavirus Response Act,” HSB 2020 Employment Law Webinar Series
- [“COVID-19 Update: Families First Coronavirus Response Act Takes Effect April 2, 2020,”](#) HSB Blog, March 19, 2020
- [“COVID-19 Update: Department of Labor Issues Guidance and Congress Considers Paid Leave,”](#) HSB Blog, March 18, 2020
- “Serving on Non-Profit Boards: Tips for Young Lawyers,” American Bar Association Young Lawyers Division Webinar, January 29, 2020
- “Ask the Attorney” (Panelist), HSB 2019 Employment Law Seminar Series
- “Pay Equity,” HSB 2019 Employment Law Seminar Series
- “Offer Letters and Employment Contracts: The Terms of Employment,” HSB 2019 Employment Law Seminar Series
- “Creating a Workplace that Works for Everyone,” Anderson University’s Beyond Compliance: Innovative Workplace Strategies for the Future, March 26, 2019
- “Marijuana & Multifamily: Current Legal Guidelines for Multifamily Executives,” Grace Hill Webinar, March 14, 2019



JOHN P. BOYD SHAREHOLDER

CONTACT

jboyd@hsblawfirm.com

P 803.540.7731

F 803.765.1243

1201 Main Street
22nd Floor
Columbia, SC 29201

INDUSTRIES

Corporate & Business
Energy & Regulated Utilities
Government, Utilities & Nonprofit
Manufacturing
Municipal Utilities
Nonprofit Institutions

SERVICES

Administrative & Regulatory Law
Environmental Law
Environmental Regulation
Governmental Organizations
Utilities Regulation

EDUCATION

University of South Carolina, J.D.,
2004
University of Michigan, M.S., 1999
Sewanee: The University of the
South, B.S., 1995

ADMISSIONS

South Carolina, 2004

www.hsblawfirm.com

John Boyd chairs Haynsworth Sinkler Boyd's Environmental practice group and focuses in the areas of environmental, regulatory, administrative and general corporate law.

John's environmental practice includes permitting, enforcement, due diligence and risk assessment, real estate transactions, environmental audits, voluntary cleanup contracts, brownfield redevelopment and traditional issues surrounding toxic substances, hazardous and solid waste management, air emissions and water quality.

His practice also includes work in general corporate law, commercial contracts, business transactions and zoning.

John has worked in the renewable energy sector, advising clients on state and federal incentives, permitting issues, regulatory matters and electric service agreements.

Prior to joining Haynsworth Sinkler Boyd, John worked as an environmental consultant for ICF Consulting in D.C. where he provided regulatory research and support for government agencies, including the U.S. Environmental Protection Agency, Department of Energy, Federal Aviation Administration, Housing and Urban Development and the U.S. Department of Justice.

HONORS AND AWARDS

- *Columbia Business Monthly* "Legal Elite of the Midlands" Environmental Law (2019-2021) and Energy and Utilities Law (2019, 2021-2022)
- *South Carolina Super Lawyers*® "Rising Stars" Environmental 2014
- *Southeastern Environmental Law Journal*, Associate Editor
- John Belton O'Neill Inn of Court

JOHN P. BOYD SHAREHOLDER

PROFESSIONAL AND CIVIC ACTIVITIES

- Nickelodeon Theatre, immediate past President, Board of Directors
- Columbia Chamber of Commerce, Board of Directors
- South Carolina Chamber of Commerce, Environmental Technical Committee
- South Carolina Clean Energy Business Alliance, Founding Board Member
- City of Columbia Climate Change Commission
- South Carolina Bar, General Council for the Environment and Natural Resources Section Council
- South Carolina Biomass Council, Former Chair
- Leadership Columbia, Class of 2013
- American Bar Association

PRESENTATIONS AND PUBLICATIONS

- "Site Design & Environmental Planning," ULI South Carolina – Midlands Development 360 Series, August 6, 2020
- "Property Assessed Clean Energy: Pushing Clean Energy Forward in South Carolina," SC Chamber of Commerce Environmental Energy Forum, June 20, 2017



BOYD B. NICHOLSON, JR.

SHAREHOLDER

CONTACT

nnicholson@hsblawfirm.com

P 864.240.3247

F 864.240.3300

ONE North Main Street
2nd Floor
Greenville, SC 29601

INDUSTRIES

Construction
Government, Utilities & Nonprofit
Municipal Utilities
State & Local Governments

SERVICES

Construction
Construction Litigation
Contracts & Procurement
Government Procurement
Governmental Organizations

EDUCATION

University of South Carolina, J.D.,
1992
University of South Carolina, B.A.,
magna cum laude, 1988

ADMISSIONS

South Carolina, 1992
U.S. Court of Appeals, Fourth
Circuit, 1993
U.S. Supreme Court, 1996

www.hsblawfirm.com

Nick Nicholson combines his responsibilities as Haynsworth Sinkler Boyd's Managing Director with his work in the areas of procurement and government contracts, local government law and construction law.

Nick advises public authorities throughout South Carolina on procurement related issues, including:

- Providing counsel and training concerning procurement policies and ordinances
- Preparing bids, requests for proposals, request for qualifications and other solicitation documents
- Drafting, reviewing and negotiating contract documents
- Advising on contract awards
- Representing clients in protests, lawsuits and alternative dispute resolution methods

Nick counsels local governments and governmental agencies with respect to Freedom of Information Act issues, construction and general contract matters, constitutional issues, governance issues, construction bonding issues and general liability matters. He has represented public bodies in more than 40 lawsuits that have variously involved constitutional claims, challenges to the award of contracts, construction claims, condemnation claims, tort claims and property tax protests.

He advises owners and contractors on contractual issues and represents them in construction related actions in state court, mediation and arbitration in cases involving issues arising out of changes in the scope of work, delays, scheduling and construction and design defects.

BOYD B. NICHOLSON, JR. SHAREHOLDER

EXPERIENCE

- Argued multiple appeals before the SC Supreme Court and Court of Appeals concerning procurement ordinances and procurement activities
- Negotiated Design-Build and CM at-Risk contracts collectively totaling over \$1 billion for a wide array of projects, including biomass boiler, water treatment plants, roads, multi-phase public/private development projects, hospitals, medical office buildings, multi-family housing and manufacturing facilities
- Negotiated the settlement in pre-suit mediation of a variety of disputes involving large construction projects

He is a frequent speaker on procurement law, FOIA and construction matters and has presented at SC Bar annual meetings, SC Construction Bar seminars, SC Government Law Bar seminars, Association of Counties meetings and other events.

HONORS AND AWARDS

- *The Best Lawyers in America*® Construction Law (2021-2023) and Litigation - Construction (2013-2023)
- *Best Lawyers*® 2022 Construction Law "Lawyer of the Year" Greenville
- *Best Lawyers*® 2020 Litigation - Construction "Lawyer of the Year" Greenville
- *Greenville Business Magazine* "Legal Elite of the Upstate" Construction Law (2020-2022) and Government Relations Law (2020-2021)
- *Greenville Business Magazine* "50 Most Influential" (2019, 2021)
- University of South Carolina School of Law Alumni Council "Compleat Lawyer" 2019
- *South Carolina Lawyers Weekly* Leadership in Law Award 2016

PROFESSIONAL AND CIVIC ACTIVITIES

- Meyer Center for Special Children, former Board Member
- Public Charter School Alliance of South Carolina, former Board Member
- South Carolina Chamber of Commerce, former Board Member
- Leadership South Carolina, Class of 2015
- American Bar Association, Forum on the Construction Industry and Local Government Section
- South Carolina Bar, former Construction Law Section President
- Greenville County Bar Association
- Leadership Greenville, Class XXXVIII
- Foothills Presbytery Third Presbyterian, Commission Member

PRESENTATIONS AND PUBLICATIONS

- "Virtual Meetings – The New Normal?," SC Economic Developers' Association Webinar, May 7, 2020
- Freedom of Information Act Training, Meyer Center for Special Children, Greenville, SC, January 30, 2019
- "Earth, Wind and FOIA," Public Charter School Alliance of SC Annual Conference, Columbia, SC, November 20, 2019
- "Records, Retention and Real World Document Solutions (Complying with FOIA and Records Retention Rules in 2018)" (Panelist), South Carolina Municipal Attorneys Association Annual Meeting, Columbia, SC, December 7, 2018
- Freedom of Information Act Training, University of South Carolina Foundations, Columbia, SC, March 26, 2018
- "Construction Contracts & Procurement Issues for Local Governments," South Carolina Bar Government Law Update, Columbia, SC, June 16, 2017
- South Carolina Construction Law Desk Book, Procurement Chapter, Contributing Author, 2013



JEREMY L. COOK

SHAREHOLDER

CONTACT

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Charleston, SC 29401

INDUSTRIES

Financial Services
Government, Utilities & Nonprofit
Healthcare

SERVICES

Economic Development
Governmental Organizations
Nonprofit Finance
Nonprofit Organizations
Nonprofit Practice
Public Finance

EDUCATION

Duke University, J.D., cum laude,
1998
Clemson University, B.A., magna
cum laude, 1995

ADMISSIONS

South Carolina, 1998

www.hsblawfirm.com

Jeremy Cook serves as co-leader of our Public Finance practice group at Haynsworth Sinkler Boyd and is the administrative shareholder for our Charleston office.

Jeremy regularly serves as bond counsel, disclosure counsel and underwriter's counsel in connection with bond issues for cities, counties, state entities and school districts across South Carolina. During his two decades with our firm, Jeremy has handled nearly every type of governmental bond issue including general obligation bonds, tax increment bonds, improvement district bonds, utility bonds, limited obligation bonds, water and sewer bonds, parking bonds, stormwater bonds, installment purchase revenue bonds and special source revenue bonds.

Jeremy also serves as bond and underwriter's counsel on bond issues for hospitals in the Low Country, Midlands and Upstate of South Carolina. In addition, he also regularly serves as bond counsel in connection with bonds issued by the South Carolina Jobs-Economic Development Authority for other nonprofit organizations including independent schools, foundations and YMCAs.

As disclosure counsel, Jeremy represents state, local governmental and nonprofit entities with primary and continuing disclosure matters, and in the last three years, he has served as disclosure counsel in connection with the issuance of approximately \$500 million of revenue bonds.

Jeremy also handles Fee-In-Lieu of Taxes and other economic incentive matters for corporate and county clients throughout South Carolina. In the last two years, Jeremy has been involved with more than 50 incentive transactions with companies ranging from automobile manufacturers and suppliers to corporate headquarters and distribution centers.

Jeremy is a frequent author, speaker and CLE coordinator on public finance, government and economic development matters in South Carolina.

JEREMY L. COOK SHAREHOLDER

EXPERIENCE

- Served as disclosure counsel in connection with a South Carolina city's public offering of tax-exempt hospitality tax revenue bonds - the first issuance of such publicly-sold bonds
- Part of a team in 2018 that served as bond and disclosure counsel for a small coastal community's public issuance of \$19,490,000 Installment Purchase Revenue Bonds
- Represented a major underwriter in a public offering of tax-exempt securities for one of the largest improvement-district financings in South Carolina
- Served as disclosure counsel in connection with the issuance of revenue bonds by a state entity in the principal amount of \$294,025,000 in 2015
- Helped negotiate and implement Fee-In-Lieu of Taxes, Special Source Revenue Bonds and other economic incentives on behalf of both corporate and county clients in connection with some of the largest projects in the state
- National Association of Bond Lawyers, Securities and Governmental Law Committee
- Leadership South Carolina, Class of 2006, Board of Trustees (2006-2014)
- Leadership Charleston, Class of 2001
- Former Member of the Finance Committee for the Ronald McDonald House of Charleston and the Little School at Grace Church Advisory Council
- Former City of Charleston Youth Soccer Coach

HONORS AND AWARDS

- *The Best Lawyers in America*® Public Finance Law (2020-2023) and Economic Development Law (2021-2023)
- *South Carolina Lawyers Weekly* Leadership in Law Award 2019
- *Charleston Regional Business Journal* "Forty Under 40" 2004

PROFESSIONAL AND CIVIC ACTIVITIES

- South Carolina Bar, Government Law Section Chair
- Charleston Regional Development Alliance, Board Member
- Mason Preparatory School, Chairman of the Board of Trustees
- Grace Church Cathedral, Chancellor and former Warden and Vestry Member
- Rotary Club of Charleston, Chairman of the Rotary Service Above Self Scholars Committee
- Charleston Scientific and Cultural Education Fund, Secretary/Treasurer

ACORDTM**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

3/15/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER USI Insurance Services, LLC 235 Magrath Darby Blvd Ste 325 Mount Pleasant, SC 29464 843 573-2600	CONTACT NAME: Michelle Black PHONE (A/C, No, Ext): 854 529-1608 FAX (A/C, No): 866 358-8252 E-MAIL ADDRESS: michelle.black@usi.com														
INSURED Haynsworth Sinkler Boyd, PA PO Box 340 Attn: Lee Moran Charleston, SC 29402-0340	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Great Northern Insurance Company</td> <td>20303</td> </tr> <tr> <td>INSURER B : Federal Insurance Company</td> <td>20281</td> </tr> <tr> <td>INSURER C : Pacific Employers Insurance Co</td> <td>22748</td> </tr> <tr> <td>INSURER D : Travelers Casualty & Surety Co. of Amer</td> <td>31194</td> </tr> <tr> <td>INSURER E : Argonaut Insurance Company</td> <td>19801</td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Great Northern Insurance Company	20303	INSURER B : Federal Insurance Company	20281	INSURER C : Pacific Employers Insurance Co	22748	INSURER D : Travelers Casualty & Surety Co. of Amer	31194	INSURER E : Argonaut Insurance Company	19801	INSURER F :	
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INSURER E : Argonaut Insurance Company	19801														
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			35871063	12/01/2021	12/01/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			73560108	12/01/2021	12/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$0			79878554	12/01/2021	12/01/2022	EACH OCCURRENCE \$3,000,000 AGGREGATE \$3,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	71720563	12/01/2021	12/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.I. EACH ACCIDENT \$500,000 E.I. DISEASE - EA EMPLOYEE \$500,000 E.I. DISEASE - POLICY LIMIT \$500,000
D	Professional Liab			106251544	03/14/2022	03/14/2023	\$10,000,000 Limit
E	Excess Pro Liab			XPL4094686	03/14/2022	03/14/2023	\$5,000,000 Limit
D	Crime			105712174	12/01/2021	12/01/2022	\$1,000,000 Limit

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

City of Isle of Palms
 Desire Fragoso, City Administrator
 1207 Palm Boulevard
 Isle Of Palms, SC 29451

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Paula B. Bulman

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NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

State of South Carolina)

County of Greenville)

Brad Love

, being first duly sworn, deposes and says that:

- (1) He is Shareholder of Haysworth Sinkler Boyd, P.A., the Bidder that has submitted the attached Bid;
- (2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;
- (3) Such Bid is genuine and is not a collusive or sham Bid;
- (4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusive or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit or cost element of the Bid price or the Bid Price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Isle of Palms or any person interested in the proposed Contract; and
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

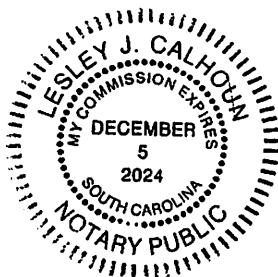
(Signed) Brad Love

Shareholder, Haysworth Sinkler Boyd, P.A.
(Title)

Subscribed and sworn to before me
this 12th day of January, 2021.

Lesley J. Calhoun

(Title)



My commission expires 12-5, 2024.

ROSEN | HAGOOD

(VIA COURIER)

Desirée Fragoso
City Administrator
City of Isle of Palms
1207 Palm Boulevard
Post Office Box 508
Isle of Palms, South Carolina 29451

Re: RFP 2022-05 Proposal, Assistant City Attorney

The enclosed submittal response pertains to the above-referenced Request for Proposal for the Assistant City Attorney position for the City of the Isle of Palms ("RFP"). We have taken the opportunity to provide as much detail as possible for consideration of the proposal. Should any further clarification or additional information be helpful in review of this response, please do not hesitate to contact us.

In response to this RFP, attorney Timothy J.W. Muller ("Tim") will be the primary assigned attorney to the City. Mr. Muller is a member of Rosen Hagood, LLC ("Rosen Hagood"), a law firm located in downtown Charleston. As part of this RFP response, attorneys David G. Jennings and James A. Bruorton, IV ("Chip") will additionally be available to the City of Isle of Palms as part of the firm's government law practice group to provide comprehensive and prompt legal services to City for any services required of the Assistant City Attorney position. Mr. Muller will be the attorney responsible for the management and administration of Rosen Hagood's proposed legal services to the City pursuant to this proposal.

Mr. Muller has fourteen years of legal experience with Rosen Hagood and prior corporate experience. He focuses his practice in the areas of local government and utilities law, construction litigation, condemnation/eminent domain, and property litigation. He has over thirteen years of experience serving as an attorney under David G. Jennings as general counsel to local governmental entities Mount Pleasant Waterworks, Berkeley County Water & Sanitation and North Charleston Sewer District. Mr. Muller also currently serves as general counsel for the James Island Public Service District and has provided legal representation for the Saluda County Water and Sewer Authority. He has experience in drafting, reviewing, and revising ordinances, regulations, contracts, easements, memorandums of agreement, liability assessments, real estate documents, policies, and procurement codes. Mr. Muller regularly provides legal opinions to government clients in the context of South Carolina and Federal law. He attends committee and commission meetings for the firm's local government clients and provides counsel to public bodies on meeting protocol and parliamentary procedure. He is active in litigation matters primarily on behalf of government entity and construction industry clients and provides support in rendering legal opinions or drafting legal documents for contract and procurement issues. Mr. Muller is an AV rated attorney by Martindale Hubbell.

David G. Jennings has approximately fifty years of experience providing legal services. Mr. Jennings has served as general counsel to the North Charleston Sewer District since 1973, Berkeley County Water and Sanitation Authority from 1980 to 2015, Mount Pleasant Waterworks since 1988, and has served as board chair of the Charleston County Aviation Authority. He has a wealth of knowledge related to legal issues encountered by various public entities and will provide support to the City of Isle of Palms as necessary. He provides legal counsel and attends regularly scheduled committee meetings, county council meetings and commissioner's meetings for the firm's local governmental clients. Mr. Jennings is an AV rated attorney.

James A. "Chip" Bruorton has nineteen years of experience providing legal services. He focuses his practice in the areas of construction litigation, commercial business litigation, government law and surety law. Mr. Bruorton has over eighteen years of experience serving as a primary attorney under David G. Jennings as general counsel to local governmental entities Mount Pleasant Waterworks, Berkeley County Water & Sanitation and North Charleston Sewer District. Likewise, Mr. Bruorton serves as general counsel for the James Island Public Service District and has experience in drafting, reviewing, and revising ordinances, regulations, easements, memorandums of agreement, policies and procurement codes and advising public bodies regarding FOIA law. Mr. Bruorton handles litigation matters as well and regularly prepares legal documents for government clients. Mr. Bruorton is AV rated and has been named a Super Lawyers Rising Star.

As a firm, Rosen Hagood was founded in 1947 and is based solely in Charleston. This year the firm is celebrating its 75th anniversary providing legal services to clients in South Carolina and beyond. The firm currently employs 21 employees, including 11 employees engaged as attorneys in various roles. Its office location is at 40 Calhoun Street, Suite 450, Charleston, South Carolina, 29401. The phone number for the firm is 843-577-6726.

While the firm's office is in downtown Charleston, it represents clients in litigation and other matters at both the federal and state court level all over the state of South Carolina. The hallmark of the firm is its emphasis on client service, integrity, and genuine concern for the needs of its clients. The firm concentrates its practice in a variety of areas of law, providing representation for both plaintiffs and defendants. Our firm brings valuable experience and offers zealous advocacy to its clients. Our attorneys represent businesses, individuals, and government entities as general counsel and in complex litigation.

The firm's involvement in representing governmental entities stems back to our founding partner, Morris D. Rosen, Esq., who served as Corporation Counsel for the City of Charleston from 1959 – 1975. Building on the efforts of Mr. Rosen, the firm and its attorneys have served as general counsel for both transactional and litigation matters for numerous governmental entities, including the City of Charleston, Mount Pleasant Waterworks, Charleston County School District, Allendale School District, Dorchester County School District II, North Charleston Sewer District, Berkeley County Water and Sanitation Authority, the James Island Public Service District, and the Charleston County Aviation Authority. As part of our diverse firm, our firm attorneys regularly practice in the following areas of law: administrative and government law; commercial/business

law; construction law; real estate litigation; land use and planning; education law; employment and labor law; family law; personal injury; bankruptcy; and probate, estate, and trust litigation.

Rosen Hagood has cultivated a tradition of leadership in the South Carolina legal community. Past firm member Alice F. Paylor served as President of the South Carolina Bar in 2013-2014, a position previously held by the late Morris Rosen and past managing member attorney Richard Rosen. Rosen Hagood is in good standing with the South Carolina Bar and has not been subject to any disciplinary action. Each of its practicing attorneys are in good standing with the South Carolina Bar. Certificates of Good Standing for each attorney can be provided upon request.

Mr. Muller, as part of Rosen Hagood's government law practice group, focuses on legal issues related to the operation of government and municipal agencies of all types. The firm's government law practice group has decades of experience with a variety of clients, from school districts, municipalities, counties, special purpose districts, and water and sewer utilities to landowners and developers dealing with condemnation and zoning matters. As part of our firm's government law work, Mr. Muller is experienced in advising governmental entities, ranging from providing outside general counsel services, contract negotiations, litigation, and the handling of property disputes and condemnation actions. Mr. Muller has also been involved with employment and labor matters involving government clients and utilizes expertise from firm attorneys dedicated to the practice of employment law. Because our firm represents a broad spectrum of clients, the breadth of our experience gives us unique insight into the perspectives and priorities of the parties on both sides of an issue. Our collective firm experience in administrative and government law makes us effective and strategic advocates.

Mr. Muller's legal representation includes matters involving legal guidance and compliance, municipal finance, employment matters, contract negotiations, sewer extension negotiations, procurement disputes, property acquisitions and transfers, property and zoning code disputes, easement acquisitions, condemnation matters, liability assessment, and litigation. He has made appearances in state and federal courts on behalf of government clients, including appellate courts. Mr. Muller has obtained judgments in favor of government clients in state and federal courts, both through trial verdicts and dispositive motions. In addition, he has experience monitoring litigation handled by counsel appointed by the Insurance Reserve Fund specifically for municipal clients. Mr. Muller also regularly provides legal opinions concerning South Carolina law and guidance to municipalities and local governmental entities related to subjects such as FOIA law, liability, zoning and land use, utilities, contract negotiation, procurement issues, ethics, and conflicts of interest.

Prior to his employment with Rosen Hagood, Mr. Muller received his J.D. with honors from the Charleston School of Law, having served on the Editorial Board of the Charleston Law Review. During his final year as a law student, he worked for the Honorable Patrick M. Duffy, District Court Judge for the United States District Court of South Carolina. Previously, Mr. Muller worked for several years in project management for Herman Miller, Inc., a Michigan-based corporation after obtaining his undergraduate degree. Mr. Muller is an active member of the Charleston community and has served as Chair of the City of Charleston Peninsula Neighborhood Consortium since 2014 and has been appointed to a variety of City of Charleston committees and

commissions by former City of Charleston Mayor Joseph P. Riley and Mayor John J. Tecklenburg. In his experience serving on these committees and others, Mr. Muller is familiar with municipal codes, including zoning and architectural review standards.

In addition to Mr. Muller, Mr. Bruorton and Mr. Jennings, all Rosen Hagood attorneys will be made available to assist in the performance of the City's legal service, as necessary. Rosen Hagood is willing and able to provide all legal services listed within the RFP and additional legal services that may arise and be requested. All attorneys, paralegals and legal assistants are readily available from the hours of 8:30-5:30 Monday – Friday by email and telephone. Rosen Hagood attorneys are also accessible by email and telephone after business hours.

The support staff at Rosen Hagood are highly valued and integral to helping our attorneys deliver excellent customer service and reach success for our clients. Each member of our support staff has a strong work ethic and commitment to excellence. Paralegals are tasked with assisting in case development, discovery production and review, deposition preparation, and mediation and trial preparation. Our attorneys and staff work quickly and efficiently together to provide the best quality service to its clients that it can. Attorneys are primarily responsible for their cases and delegate tasks to both paralegals and legal assistants to better manage the files and keep costs down to clients. Rosen Hagood is highly regarded throughout the legal community for its ability to resolve complex legal matters by applying a depth of experience and the utmost integrity to attain optimal results on behalf of its valued clients.

The remaining submittal requirements specified in the RFP are enclosed. On behalf of our firm, we genuinely appreciate your consideration of our proposal for the City's RFP for Assistant City Attorney and look forward to your response.

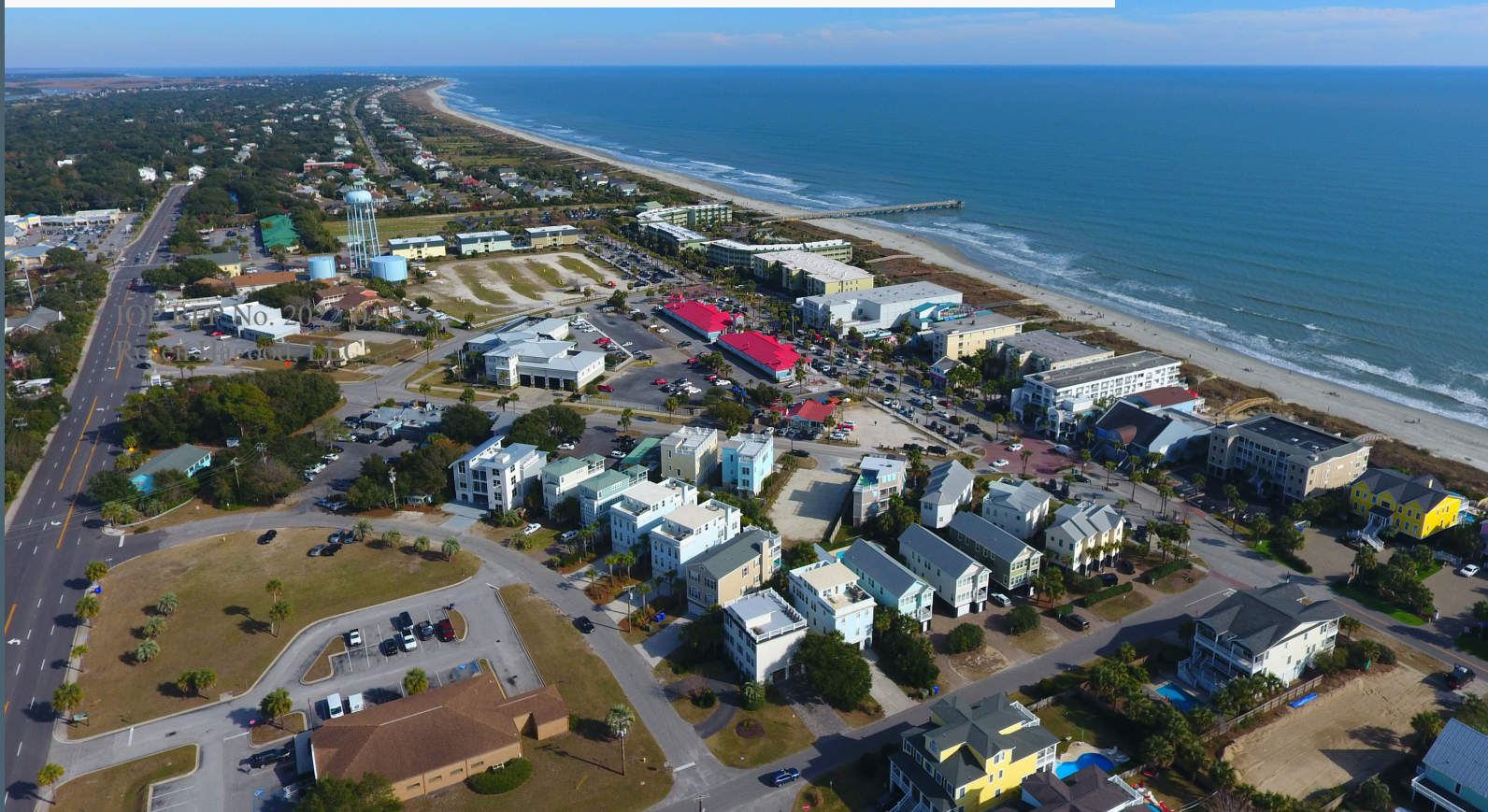
Sincerely,

A handwritten signature in blue ink, appearing to read 'TJM', with a long horizontal flourish extending to the right.

Timothy J.W. Muller

RFP RESPONSE

2022-05 ISLE OF PALMS ASSISTANT CITY ATTORNEY



SECTION A

Resume

Tim Muller has fourteen years of legal experience and prior corporate experience. He focuses his practice in the areas of local government and utilities law, construction litigation, condemnation/ eminent domain, and property litigation.

Attorneys David Jennings and Chip Bruorton will also be available to the City of Isle of Palms as part of the firm's government law practice group.

See full resumes enclosed as APPENDIX #1



SECTION B

Cover letter explaining qualifications, employment history, legal training, years of practice, municipal or other local public sector experience, litigation experience and track record, knowledge and practice of law relating to land use and planning, real estate, environmental issues, general liability, and any other information the bidder wishes to submit.

See enclosed cover letter

SECTION C

Contact information, including home and work addresses, phone numbers, and email address.



TIMOTHY J.W. MULLER

W: 40 Calhoun St. Suite 450
Charleston, SC 29403
H: 13 Felix St.
Charleston, SC 29403
(843)266-8129
tmuller@rosenhagood.com



DAVID G. JENNINGS

W: 40 Calhoun St. Suite 450
Charleston, SC 29403
H: 2 Marsh Point Ln.
Isle of Palms, SC 29451
(843)266-8135
djennings@rosenhagood.com



JAMES A. "CHIP" BRUORTON, IV

W: 40 Calhoun St. Suite 450
Charleston, SC 29403
H: 448 Barbadian Way
Mount Pleasant, SC 29464
(843)266-8119
cbruorton@rosenhagood.com

SECTION D

Describe the response time the City can expect to inquiries made by the City Council and City Administrator

The primary attorney or one of the designated attorneys will generally be available for immediate contact by telephone communication. The primary attorney or one of the designated attorneys will respond to e-mail inquiries as promptly as possible, generally within a few hours. We have found that in our representation of governmental entities, it is to our clients' benefit that we operate as a team, which enables timely response to inquiries and maintains minimal scheduling conflicts with any matters requiring attendance or urgent attention.

SECTION E

Identify the types of training (FOIA, Council's roles and responsibilities, etc.) you are capable of providing to the City:

Our firm can provide training to City Council and City employees regarding obligations arising out of South Carolina's Freedom of Information Act, S.C. Code Ann § 30-4-10 et al. Over the course of our representation of other governmental entities, we have provided training, developed memos of law, and offered legal guidance in responding to an extensive number of FOIA requests.

All designated attorneys are sufficiently experienced to administer training on how to successfully handle FOIA requests and disclose appropriate information from the outset of representation. Further, in our capacity as general counsel for governmental entities, the designated attorneys are familiar with and can address FOIA responsibilities and compliance as they pertain to meetings of public bodies.

We have also developed many legal research memos on the topic of obligations of governmental entities and their elected officials and officers and can similarly implement this information into any applicable training.

SECTION F

Provide the size of the firm and the list of resources, services and specializations within the firm.



Rosen Hagood, currently celebrating its 75th anniversary providing legal services, has 21 employees, including 11 individuals employed as attorneys in various roles. Rosen Hagood's office is located on the fourth floor of 40 Calhoun St. in downtown Charleston and offers client use of four conference room spaces newly renovated and equipped with technology suited for hosting client meetings, depositions, mediations, arbitrations, and trial preparation sessions.

The attorneys of Rosen Hagood practice law in a variety of areas beyond municipal and local government representation, including a combination of transactional and litigation services in the areas of construction, commercial, corporate, and business, employment and labor, securities, bankruptcy, insurance bad faith, personal injury, eminent domain/condemnation, probate and estate litigation, and family law.

Our attorneys have served in the role as mediator and arbitrator in a range of matters. The full resources of our firm, including access to all attorneys in our firm and their respective practice areas, are available to the City of Isle of Palms upon engagement of Rosen Hagood for the performance of legal services.

SECTION G

A statement of any grievances filed against the attorney with the S.C. Commission on Lawyer Conduct List within the past five years and the resolution of each.

Not applicable

SECTION H

A statement of any fee disputes filed by a client with the S.C. Bar's Fee Disputes Resolutions Board within the past five years and the resolution of each.

Not applicable

SECTION I

A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each:

Not applicable

SECTION J

Professional References

For Mr. Muller:

City of Charleston (843-724-3730)
50 Broad St. Charleston, SC 29401
Contact: Ms. Julia Copeland, Deputy Corporate Counsel

For Mr. Jennings:

Town of Mount Pleasant (843-884-8517)
100 Ann Edwards Ln. Mount Pleasant, SC 29464
Contact: Mr. Will Haynie, Mayor

For Mr. Jennings, Mr. Bruorton, and Mr. Muller:

Mount Pleasant Waterworks (843-884-9626)
1619 Rifle Range Rd, Mt Pleasant, SC 29464
Contact: Mr. Rick Crosby, Commission Chair
Mr. Allan Clum, General Manager

North Charleston Sewer District (843-764-3072)

7225 Stall Rd, North Charleston, SC 29406
Contact: Mr. Jarred Jones, Executive Director

For Mr. Bruorton:

Mashburn Construction (843-853-4303)
1202 Chuck Dawley Blvd, Mt Pleasant, SC 29464
Contact: Mr. Richard Kinard, Vice President

For Mr. Bruorton and Mr. Muller:

James Island Public Service District (843-762-5234)
1739 Signal Point Rd. Charleston, SC 29412
Contact: Mr. Dave Schaeffer, District Manager

SECTION K

Price and Cost Proposal

Rosen Hagood, LLC's hourly rate proposal and billing detail is set forth below for attorneys assigned to the City at reduced respective hourly rates. Other attorneys from the firm shall be available to the City upon request, as needed, also at reduced respective hourly rates. Rosen Hagood, LLC attorneys record all time in six-minute intervals. Our clients are billed for the time our attorneys dedicate performing work on the client's file, including time for legal research, telephone conferences, travel to and from appointments or case related hearings, mediations, arbitrations or trials. From time to time, it may be necessary for attorneys to have meetings together to discuss the strategy of the case and outline specific courses of action. These meetings are generally billed by all attorneys in attendance but are only held when necessary and to better serve the client. Rosen Hagood, LLC has negotiated its billing guidelines with clients in the past to include the senior most attorney only billing for meeting time with other attorneys within the firm. Fee structure can be negotiable and alternative fee arrangements can be considered, including, but not limited to, an estimated monthly retainer to include legal fees for standard legal services for the City.

Rosen Hagood, LLC proposes to charge hourly rates for the City assigned attorneys commiserate with experience as follows:

TIMOTHY J.W. MULLER

Position: Member

Hourly Rate: \$300.00

DAVID G. JENNINGS

Position: Of Counsel

Hourly Rate: \$325.00

JAMES A. "CHIP" BRUORTON, IV

Position: Member

Hourly Rate: \$325.00

Hourly rates for generic positions (i.e., secretary, administrative assistant, law clerks, etc...)

PARALEGAL

Hourly Rate: \$125.00

LAW CLERK

Hourly Rate: \$110.00

Rosen Hagood, LLC. does not bill clients for administrative tasks performed by legal assistants.

Rosen Hagood, LLC proposes the following standard costs that are charged to all governmental and institutional clients of the firm:

POSTAGE

Rate: Actual Cost

MILEAGE

Rate: \$.625/ mile (IRS rate)

LEGAL RESEARCH

Rate: % of Monthly subscription cost based on
monthly usage

EXTERNAL COSTS

i.e. deposition transcripts, lodging, etc...

Rate: Actual Cost

EXPERT WITNESS COST

Rate: Actual Cost

SECTION L

Oath of Non-Collusion

COUNTY OF CHARLESTON)
)
STATE OF SOUTH CAROLINA)

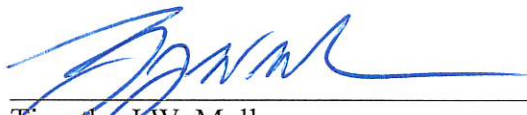
AFFIDAVIT OF NON-COLLUSION

Timothy J.W. Muller, after being duly sworn, deposes and states as follows:

I am an adult, suffer under no legal disability and am fully competent to testify to the matters set forth herein. I am a resident and citizen of the State of South Carolina and am a member of the law firm Rosen Hagood, LLC, located in the City of Charleston, County of Charleston, and State of South Carolina, and am authorized to make this affidavit on behalf of Rosen Hagood, LLC, its members, and attorneys.

On behalf of Rosen Hagood, LLC, I have participated in preparing a response to the Request for Proposals titled RFP No. 2022-05 and have executed the said response with full authority to do so and that Rosen Hagood, LLC, and its attorneys, including myself, Mr. David G. Jennings, and Mr. James A. Bruorton IV, have not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named Request for Proposals; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the City of Isle of Palms relies upon the truth of the statements contained in said response and in the statements contained in this affidavit in awarding the contract for the position.

ROSEN HAGOOD, LLC



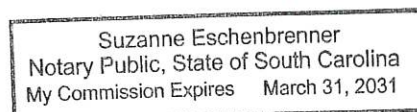
Timothy J.W. Muller
Its: Member

SWORN to before me this

5th day of October, 2022

Suzanne Eschenbrenner (SEAL)

NOTARY PUBLIC FOR SOUTH CAROLINA
MY commission expires: 3/31/2031



SECTION M

Insurance Requirements

The insurance coverage requirements detailed in the RFP are readily available and already in place for Rosen Hagood, LLC and any additional coverage requirements may be arranged following confirmation of an award and prior to the commencement of work.



JAMES ATKINSON “CHIP” BRUORTON, IV

Member

An experienced attorney providing counsel and litigation support to clients including local government entities, construction companies and contractors, and businesses.

EMPLOYMENT HISTORY

Rosen Hagood, LLC

Charleston, SC

Attorney, Member

2003 - Present

Practice Areas: Administrative & Government,
Construction Litigation, Construction Litigation
Law Clerk

2002

Woolf, McClaine, Bright Allen & Carpenter, PLLC

Knoxville, TN

Law Clerk

2001 - 2003

State Farm Insurance Companies

Greenville, SC

Summer Intern

1999

CONTACT

(843) 266-8119

cbruorton@rosenhagood.com

40 Calhoun St. Suite 450

Charleston, SC

EDUCATION

University of Tennessee College of Law

Knoxville, TN

J.D., cum laude

Clemson University

Clemson, SC

Bachelor of Science, Financial
Management

CIVIC COMMUNITY AND/OR PROFESSIONAL ACTIVITIES

Charleston County Bar Association - Member since 2003

South Carolina Bar Association - Member since 2003

Member of Mount Pleasant Presbyterian Church

- Deacon (2019-2021)
- Stewardship Committee (2021-2022)



DAVID G. JENNINGS

Special Counsel

An experienced attorney representing municipalities, counties, and special purpose districts for more than 50 years. Trusted advisor to clients providing general counsel services as needed.

EMPLOYMENT HISTORY

Rosen Hagood, LLC

Charleston, SC

Attorney, Special Counsel

1999 - Present

Practice Areas:

Charleston County Aviation Authority

Charleston, SC

Board Member

1980-1995; 2002-2010

Board Chairman

1988-1995; 2004-2010

CIVIC COMMUNITY AND/OR PROFESSIONAL ACTIVITIES

South Carolina Bar Association

Charleston County Bar Association

Charleston County Bar Board of Governors, Pst Member

United States Court of Appeals, Fourth Judicial Circuit

United States Supreme Court

ACI- NA Commissioners

- Steering Committee Member (2003-2010)
- Executive Committee Member (2004-2010)
- Secretary (2006-2007)

PERSONAL

Resident of Isle of Palms since 1996

Married to Linda Bailey

Two grown sons, six grandchildren

CONTACT

(843) 577-6726

djennings@rosenhagood.com

40 Calhoun St. Suite 450
Charleston, SC

EDUCATION

University of South Carolina School of Law

Columbia, SC

J.D., Magna Cum Laude

Davidson College

Davidson, NC

Bachelor of Arts



TIMOTHY J.W. MULLER

Member

An experienced attorney with a legal practice focusing on the needs of local government, construction, and business clients. A demonstrated track record of favorable client outcomes through legal guidance, transactions, and litigation.

EMPLOYMENT HISTORY

Rosen Hagood, LLC

Charleston, SC

Attorney, Member

2008 - Present

Practice Areas: Administrative & Government,
Construction Litigation, Eminent Domain

Law Clerk

2007

Clawson & Staubes, LLC

Charleston, SC

Law Clerk

2006

Carolina Business Interiors, Inc.

Charleston, SC

Project Manager

2003 - 2004

Herman Miller, Inc.

Zeeland, MI

Dealer Services/Project Management

2000 - 2003

CIVIC COMMUNITY AND/OR PROFESSIONAL ACTIVITIES

South Carolina Bar Association

Charleston County Bar Association

City of Charleston Peninsula Neighborhood Consortium

City of Charleston Central Business District Commission

City of Charleston Hotel Task Force

City of Charleston Town and Gown Committee

Preservation Society of Charleston

CONTACT

(843)266-8129

tmuller@rosenhagood.com

40 Calhoun St. Suite 450
Charleston, SC

EDUCATION

Charleston School of Law

Charleston, SC

J.D., cum laude

Grand Valley State University

Allendale, MI

Bachelor of Arts, International Relations