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April 9, 2025

VIA EMAIL:

Jeffrey S. Gossett, Clerk of the Senate
PO Box 142
Columbia, SC 29202

Re: Article XV, Section 3 Removal Hearing – Senate Procedures

Dear Jeff,

I appreciate you and your team meeting with me today to discuss the procedures for the Senate's Article XV, Section 3 Hearing regarding the removal of Curtis M. Loftis, Jr., State Treasurer, scheduled for April 21, 2025 at noon. In addition to you and myself, Kenneth M. Moffitt, Esq., Assistant Clerk of the Senate, Cassidy Murphy, Esq., Counsel to the Clerk of the Senate, and John P. Hazzard, V, Esq., Counsel to the President of the Senate, as well as Shawn D. Eubanks, Esq., Deputy General Counsel of the State Treasurer's Office, were all in attendance.

As we have discussed, the Treasurer continues to object to both the utilization of Article XV, Section 3 to attempt to remove him as an elected, Constitutional officer, and to the manner in which the Senate intends to conduct this removal hearing. As such, this letter shall not be interpreted in any way to be a concession or waiver of those objections, or an acknowledgement that the Senate has the authority to conduct Article XV, Section 3 removal hearing under these circumstances.

Those objections notwithstanding, this letter is to articulate my understanding of our discussion and request immediate correction and clarification if I am mistaken as to any of these critical and time-sensitive matters.

First, in our meeting, you stressed that the Senate does not intend this hearing to be judicial or quasi-judicial in nature. Instead, as I understand it, the Senate's intent is that this hearing will be conducted in largely the same manner as any other political process of the Senate.

In that context, you informed us of the following:

1. The Senate has denied the Treasurer's request for additional time to prepare for the hearing. You declined to provide an explanation for the Senate's expedited timeline.

2. Senators Goldfinch and Grooms (“Senate presenters”) have declined to respond to the Treasurer’s discovery requests, including the Requests to Admit, Interrogatories, and Requests for Production, served on April 8, 2025.
3. The Senate presenters decline to provide the Treasurer with any information, documents or materials collected in the course of their investigation, other than the materials they intend to use against the Treasurer in the hearing.
4. The Senate presenters will not be under oath when presenting their case for the Treasurer’s removal, nor will the Treasurer or his presenters be placed under oath.
5. The Treasurer and his presenters will not be allowed to question the Senate presenters, nor will the Senate presenters be allowed to question the Treasurer or his presenters.
6. The Treasurer and his presenters will not be allowed to call any witnesses.
7. Senators will not be provided questions to ask the Treasurer by the Senate presenters either directly or indirectly to circumvent this rule.
8. The April 2, 2025 “Sense of the Senate” is the sole procedural standard for the hearing; it is your position that the South Carolina Rules of Civil Procedure and/or South Carolina Rules of Evidence do not apply. There are no written rules other than the “Sense of the Senate” that you all believe are applicable to the hearing.
9. No motions, objections or interruptions will be allowed by the Senate presenters or the Treasurer’s presenters.
10. There is no established standard for what constitutes a quorum of the “Committee of the Whole” of the Senate, before whom the removal hearing is to be held.
11. Senators will only be allowed to ask questions from the floor after the Senate presenters’ rebuttal. Any member of the Treasurer’s legal and professional team may answer the question(s).
12. The Treasurer’s presenters must identify and/or provide any evidence not included in the Senate presenters’ materials by Monday, April 14, 2025, but will not be required to provide advance notice or copies of “demonstrative” materials such as presentations, infograms, charts, etc.
13. If we need to add an attorney to the Treasurer’s team, this addition will not be subject to the deadline to provide the name(s) of counsel in the Sense of the Senate, part (E).

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Additionally, you acknowledged that your team is still working on providing unredacted copies of the exhibits to the “Final Report of Findings and Recommendations on the \$1.8 Billion Discrepancy in Treasury Balances and Certain Other Matters.” At this time, we have not received them, which continues to limit our ability to prepare for the hearing – now just twelve days away, two of those days being religious holidays – Good Friday and Easter Sunday.

In closing, it remains unclear to me why the Senate has established this hurried, nineteen-day timeline for this hearing, given that removing the Treasurer from office would disenfranchise 80% of South Carolina voters who elected him to the position. Under the circumstances, I believe it would be far more appropriate to leave this decision to the South Carolina electorate in November of 2026.

Again, thank you for your time today and for your prompt attention to these matters. Please notify me immediately with any correction or clarification to what I have articulated above.

Best regards,

s/ Deborah Barbier
DEBORAH BARBIER