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April 4, 2025

Senator Thomas C. Alexander
President of the Senate
213 Gressette Bldg.
Columbia 29201

Re: State Treasurer Article XV, Section 3 Hearing - April 21, 2025

Dear President Alexander,

Please be advised that I, along with Dawes Cooke, Esq. and Shawn Eubanks, Esq. will be representing Treasurer Curtis M. Loftis, Jr. in the “State Treasurer Article XV, Section 3 Hearing” (hereinafter “the hearing”) as described in the April 2, 2025 Sense of the Senate.

I am sure that we can agree that at a time when trust in public institutions is increasingly fragile, transparency is not optional—it is essential. The Senate has the opportunity—and the responsibility—to lead with integrity in this removal hearing that they have chosen to hold. This includes full and timely disclosure of relevant information, clear communication with the public and Treasurer Loftis, and an open-door policy for accountability. In a proceeding to remove a Constitutional officer, most recently elected to office by 80% of South Carolina voters, anything less undermines the democratic process.

In light of the significant amount of information that we anticipate requesting and receiving from the Senate presenters, we respectfully request a thirty (30) day continuance of the removal hearing, and propose the following scheduling order:

- The Treasurer shall serve discovery requests upon the Senate presenters, and shall serve all subpoenas duces tecum, on or before **April 15, 2025**.
- The Senate presenters shall identify and provide to the Treasurer all materials they intend to present at the hearing, and provide responses to all discovery requests on or before **April 25, 2025**.
- The Treasurer shall identify and provide all materials he intends to present at the hearing on or before **May 9, 2025**.
- The hearing shall be held on **May 20, 2025**.

Please advise as soon as possible whether this scheduling order is acceptable to you.

Additionally, without waiver of any defenses or other legal options available to the Treasurer or his Office, we request clarification as to the following matters:

1. Please confirm that the Senate's causes for removal are confined to those asserted in the "Final Report of Findings and Recommendations on the \$1.8 Billion Discrepancy in Treasury Balances and Certain Other Matters" at Section IX – Recommendations (F) Removal of the Current State Treasurer, and that the Senate's presentation of the causes of removal shall be confined to those causes.
2. Please confirm that all statements by Senators Grooms and Goldfinch, as well as any other Senators who speak or pose questions during the hearing, will be under oath, under penalty of perjury, or in the alternative subject to the same oath to which the Treasurer's testimony will be subject.
3. Please advise whether either party will be allowed to make objections, and have those objections ruled upon, during the respective presentations and/or questioning by the Senators.
4. Please confirm that the Treasurer and members of his legal team shall be permitted to present his defense.

We also have certain requests directed at ensuring that there is full transparency regarding all information and communications pertaining to the underlying facts of this matter. Respectfully, we request the following unredacted materials at this time:

1. All communications and materials (regardless of format or medium) created by, sent from, received or otherwise obtained by the Senate Finance Committee, its Constitutional Budget Subcommittee, their members, or staff thereof, in the conduct of their investigation of the Treasurer, regardless of whether Subcommittee relied upon such documents.
2. All notes, recordings, transcripts, and/or affidavits, created from or by witness communications created, sent from, received or otherwise obtained by the Senate Finance Committee, its Constitutional Budget Subcommittee, their members, or staff thereof, in the conduct of their investigation, regardless of whether Subcommittee relied upon such documents.
3. The full name, employer, and contact information of the individuals who provided each item identified above.

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4. Any material(s) evidencing a directive issued by Senate Finance Committee Chairman Peeler to Subcommittee Chairman Grooms authorizing the Constitutional Budget Subcommittee's investigation of the Treasurer and/or the State Treasurer's Office.

If you do not accept our request for continuance and proposed scheduling order, please provide all of this information within three (3) business days, to allow us adequate time to prepare for the hearing currently scheduled on April 21, 2025. Be advised that we do anticipate having additional document requests, issuing interrogatories and requests to admit, and serving subpoenas prior to this hearing. All of these discovery requests will be aimed at ensuring that all parties are well prepared and that the process is fair. I urge you to take immediate steps to ensure transparency in this process. This is not just a request for critical information—it's a call for trust, for fairness, and for the kind of leadership we expect and deserve. I am sure that you will agree that both Treasurer Loftis and all of the citizens of South Carolina deserve nothing less.

Thank you for your prompt attention to these requests. Please do not hesitate to contact me should you require any further information.

Best regards,

Deborah Barbier

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