

# The Supreme Court of South Carolina

RE: Lawyers Suspended by the South Carolina Bar

The South Carolina Bar has furnished the attached list of lawyers who have been administratively suspended from the practice of law pursuant to Rule 419(c), SCACR. This list is being published pursuant to Rule 419(d), SCACR. If these lawyers are not reinstated by the South Carolina Bar by April 1, 2006, they will be suspended by order of the Supreme Court and will be required to surrender their certificates to practice law in South Carolina. Rule 419(c), SCACR.

Columbia, South Carolina  
March 6, 2006



Columbus, OH 43215  
W. G. Griggs III  
65 E. 95th St., Apt 8B  
New York, NY 10128-0776

Lewis Jenkins Hammet  
Law Office of Lewis J. Hammet, PA  
P.O. Box 2960  
Bluffton, SC 29910

James Christopher Jankowski  
1717 K. St., NW, Ste. 600  
Washington, DC 20036

Maria DeNoia Jankowski  
Office of the Public Defender City of Richmond  
701 E. Franklin St., Ste. 600, 6th Floor  
Richmond, VA 23219

Lynn Davis Jarrell  
221 Cordillo Pkwy.  
Hilton Head Island, SC 29928

Jill Allison Kaplan  
3730 Brownstone Lane  
Winston-Salem, NC 27106-3571

Kurt E. Linsenmayer  
Perkins Coie, LLP  
1201 Third Ave., Ste. 4800  
Seattle, WA 98101-3099

John P. Maier  
Tenable Protective Services  
2423 Payne Ave.  
Cleveland, OH 44131

George Miller IV  
U.S. Securities & Exchange Commission  
100 F St., NE  
Washington, DC 20549-4631

Melony Latanza Moore  
P.O. Box 7271  
Arlington, VA 22207-0271

Tango Barham Moore  
42 Devereaux Ave.  
Charleston, SC 29403

James Thomas Oxendine  
111 W. Council St.  
Salisbury, NC 28144

Kelly R. Pickens  
Forum Health  
1200 Woodruff Rd., A-3  
Greenville, SC 29607

Margaret Sheehan Plummer  
2471 Woodbury St.  
Pearland, TX 77584-4801

Rebecca D. Ramos  
1855 E. Main St., Ste. 14  
Spartanburg, SC 29307

Steven L. Satter  
Cook Cnty. State Attorney's Office  
500 Richard J. Daley Ctr.  
Chicago, IL 60602

Jack L. Schoer  
1441 Waters Edge Dr.  
Augusta, GA 30901-1045

Allan L. Shackelford  
P.O. Box 216  
Fair Haven, VT 05743

Michael William Sigler  
425 Wade Hampton Rd. Apt. E2  
Hampton, SC 29924-2658

Michelle Loy Sinkler  
10 Saturday Rd.  
Mt. Pleasant, SC 29464

George Britton Smith  
200 Embassy Ct. NW  
Atlanta, GA 30328

Robert Frank Socha  
840 N. Wood Ave.  
Linden, NJ 07036

Glenn Littleton Spencer  
Philip Morris USA  
Law Dept., OC A2W P.O. Box 26603  
Richmond, VA 23261

Thomas David Sutton  
1926 Howe Ct.  
N. Ft. Myers, FL 33903

Charles K. Sweeney II  
CIBER, Inc.  
5251 DTC Pkwy., Ste. 1400  
Greenwood Village, CO 80111-2742

Jon P. Thames  
3360 Glencree  
Conyers, GA 30012-8102

# The Supreme Court of South Carolina

RE: Lawyers Suspended by the Commission on Continuing Legal Education  
and Specialization

The Commission on Continuing Legal Education and Specialization has furnished the attached list of lawyers who have been administratively suspended from the practice of law pursuant to Rule 419(c), SCACR. This list is being published pursuant to Rule 419(d), SCACR. If these lawyers are not reinstated by the Commission on April 1, 2006, they will be suspended by order of the Supreme Court and will be required to surrender their certificates to practice law in South Carolina. Rule 419(c), SCACR.

Columbia, South Carolina  
March 6, 2006































































































































































































## FACTS

Alliance Capital employed West and leased his services to Meylan Enterprises. Frontier Insurance Company provided workers' compensation insurance to Alliance Capital and Meylan. Meylan conducts business in many states and is primarily involved in heavy industrial cleaning at nuclear power plants and manufacturing facilities. West's supervisor, Tex Williams, described West as a "foreman . . . [who] overs[aw] the shop activities and all the mechanic work that goes on." The injury here occurred at Meylan's Rock Hill, South Carolina facility.

Meylan required its employees to come to work, clock in and, in the absence of an off-site job assignment, remain on the premises for their eight-hour shift. West and his fellow employees had to be present at the shop (or on a job assignment) to get paid. Because the actual work was sporadic, employees at the Rock Hill facility were to await calls at the shop and do various tasks in preparation for upcoming job assignments. While awaiting job assignments, employees could use their free time as they chose, provided they remained on site. Meylan employees generally spent about half of their time at the shop preparing for a project or on standby and the other half of their time working at job sites.

The single commissioner found that a custom and practice existed at Meylan's shops of allowing employees, during working hours, to work on their own vehicles in the shop, using shop equipment. Meylan's supervisors never prohibited or otherwise discouraged this practice. The record contains many examples of Meylan's acquiescence and approval of this practice, including an instance where Williams, the supervisor, brought his son's car into the shop for body work.

Meylan lacked a sufficient number of vehicles at the Rock Hill facility to transport people and equipment to the job sites. Williams, for example, often used his personal vehicle to take people and supplies to and from jobs. West informed Williams he had a truck that could be used to assist in transporting people and equipment. The vehicle was at that time inoperable,

and Williams authorized West to travel to West Virginia to transport the truck to Rock Hill for repairs so Meylan could use it for transportation.

Several weeks before the accident, West and another Meylan employee drove to West Virginia in a Meylan truck and trailer. Meylan paid West for the trip, including his expenses. Meylan expected to benefit from use of the truck for its operations. When delivered to Rock Hill, the truck was stored in the enclosed shop area of the Meylan facility, where it remained for “probably two or three weeks” prior to the accident.

On the date of the accident, West completed his work and waited for other Meylan employees to return from a job assignment. During this downtime, West decided to work on the truck. West and another employee removed the gas tank from the truck to clean it. After emptying the gas out of the tank, West began sandblasting the inside of the tank using Meylan equipment. The tank exploded, injuring both employees.<sup>1</sup> West received second-degree and third-degree burns over fifty-four percent of his body.

The single commissioner found that the injury to West arose out of and in the course of his employment, noting that the truck repair was for Meylan’s benefit, on company time, in Meylan’s shop, with Meylan’s equipment, and with Meylan’s permission. The single commissioner thus found the injury compensable and awarded benefits. On review, the Commission affirmed, adopting the order of the single commissioner. Alliance Capital appealed to the circuit court, challenging the finding that the injury arose out of and in the course of West’s employment. The circuit court affirmed. This appeal followed.

## **STANDARD OF REVIEW**

The South Carolina Administrative Procedures Act (APA) establishes the standard for judicial review of decisions of the Workers’ Compensation Commission. *See Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 134, 276 S.E.2d 304, 306 (1981); S.C. Code Ann. § 1-23-380 (2005). A reviewing court may reverse or modify a decision of an administrative agency if “the findings,

---

<sup>1</sup> The other employee settled his workers’ compensation claim.





Broughton, 336 S.C. at 497-98, 520 S.E.2d at 638. The court noted that the claimant’s job requirements did not include leaving work to check on sick co-workers. Id.

In both Osteen and Broughton, however, the claimants sustained injuries during activities entirely unrelated to their work duties. Here, the record supports the finding—to the substantial evidence standard—that the truck would be utilized in Meylan’s operations following repairs. A shortage of trucks existed, and West had volunteered the use of his truck once it was restored to operable condition. According to West, whose testimony the Commission deemed credible,<sup>2</sup> supervisor Williams “knew that I was wanting to use [the truck] for work.” Williams authorized West to drive to West Virginia on company time and at company expense to bring the truck to the shop in Rock Hill, and permitted the truck to be kept at the shop. Williams knew the repairs were necessary to make the truck operational.

West’s injury arose out of the employment because the truck was being repaired for Meylan’s benefit, using company resources, with Meylan’s consent. We conclude the record establishes the requisite causal connection between the working conditions and the injury.<sup>3</sup>

---

<sup>2</sup> We decline, pursuant to our standard of review, Alliance Capital’s invitation to assign credibility to Williams’ contrary testimony. Fact-finding is a matter exclusively within the province of the Commission. Kennedy v. Williamsburg County, 242 S.C. 477, 480, 131 S.E.2d 512, 513 (1963).

<sup>3</sup> Because we find substantial evidence supports the finding that West’s truck was intended for use in Meylan’s operations, we need not address the alternative grounds—the personal comfort doctrine—relied on by the Commission. Osteen, 333 S.C. at 47-48, 508 S.E.2d at 23 (observing that under workers’ compensation law, “the personal comfort doctrine has consistently been limited to imperative acts such as eating, drinking, smoking, seeking relief from discomfort, preparing to begin or quit work, and resting or sleeping”); see also Dukes v. Rural Metro Corp., 356 S.C. 107, 110, 587 S.E.2d 687, 689 (2003) (“The purpose of the personal comfort doctrine is to allow employees to attend to their biological personal requirements.”).

