

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 124,722

SHANNON RILEY,
Petitioner,

v.

CARRIE KATHLEEN MEEHAN,
Respondent.

ORDER

Petitioner's petition for writ of mandamus is denied.

Petitioner's request for stay of proceedings is denied as moot.

This case is closed.

Dated this 25th day of January 2022.

FOR THE COURT

A handwritten signature in black ink, appearing to be 'ER' followed by a stylized flourish.

ERIC ROSEN,
Justice

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 124,722

SHANNON RILEY,
Petitioner.

CATHERINE KATHLEEN MEEHAN,
Respondent.

ORDER

Petitioner's motion for rehearing or modification is denied.

Dated this 1st day of February 2022.

FOR THE COURT



ERIC ROSEN
Justice

KANSAS APPELLATE COURTS

Clerk of the Appellate Courts - Case Search Result

[Query Attorneys and/or Parties](#)

[Helpful Filing Tips](#)

Appellate Case Number

124722

District Case #

Court Type

SUPREME COURT

Case Type

ORIGINAL

Case Sub-Type

MANDAMUS, ORG ACTION

County

Date Docketed

14-JAN-22

Case Caption

SHANNON RILEY, PETITIONER, V. CARRIE KATHLEEN MEEHAN, RESPONDENT.

[New Case Query](#)

[Judicial Branch Home Page](#)

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Case Event Detail

Date	Description
01-FEB-22	MOT FOR REHEARING OR MODIFICATION-DENIED / by Petitioner, Shannon Riley
31-JAN-22	MOTION FOR REHEARING/MODIFICATION / Motion for Rehearing/Modification by Petitioner, Shannon Riley
25-JAN-22	DENIED-ORIGINAL ACTION/DCT REINSTATEMENT / Pet. for Writ of Mandamus. Mtn to Stay Proceedings denied as moot. Case Closed.
24-JAN-22	MOTION / Request for Stay of Proceedings by Petitioner, Shannon Riley
14-JAN-22	CLERK NOTE WITH DOCUMENT(S) / NOTICE TO THE PARTIES
14-JAN-22	PETITION FOR WRIT OF MANDAMUS FILED / PETITION FOR WRIT OF MANDAMUS W/APPENDIX FILED BY SHANNON RILEY

[New Case Query](#)

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IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

CARRIE KATHLEEN MEEHAN
Plaintiff,

v.

SHANNON RILEY,
Defendant.

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)
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)

Case No. 18CV490
Division 14
K.S.A. Chapter 60

ORDER

NOW ON THIS 12th day of December, 2021, this matter comes before this Court. Plaintiff's *Motion for an Order Nunc Pro Tunc or in the Alternative for Judgment on Defendant's Counterclaim*, filed September 25, 2020; Defendant's *Request for Sanctions*, filed October 2, 2020; and Defendant's *Motion to Strike*, filed October 7, 2020, all come on for hearing.

Plaintiff appears in person and by counsel, Rhonda Levinson, both remotely via Zoom videoconferencing. Defendant fails to appear.

WHEREUPON after reviewing the Motions and the file, and being fully informed in premises, this Court makes the following findings:

1. Defendant received Notice of Hearing on all matters to be heard on this date. Defendant acknowledged by email that she received notice of this hearing. However, Defendant failed to appear.
2. The Court has reviewed the procedural history of this case, including Defendant's failures to comply with discovery, failure to appear for hearings, and failure to comply with the Court's order compelling discovery, as more fully set out on the record.
3. On December 3, 2018, this Court granted a default judgment in favor of Plaintiff and against Defendant. On January 15, 2019, the Court issued a Nunc Pro Tunc Judgment, which

clarified that Plaintiff was awarded interest on her damages against Defendant during the hearing held November 20, 2018. Through the inadvertent oversight and clerical error of counsel, this detail had been omitted from the original Journal Entry.

4. In granting these judgments, this Court intended to dispose of all claims in this case, including Defendant's counterclaims against Plaintiff. During the hearing held November 20, 2018, the Court denied Defendant's counterclaims against the Plaintiff when granting judgment in favor of Plaintiff. The Court did not intend to bifurcate that proceeding.

5. On this date, the Court fully articulated on the record its reasons for the November 20, 2018, imposition of the default judgment against Defendant on Plaintiff's Petition.

6. All the reasons articulated by the Court in support of default judgment against Defendant also support judgment in favor of Plaintiff and against Defendant on Defendant's Counterclaims.

7. Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice.

8. Defendant's Motion to Strike and Motion for Sanctions are both denied.

IT IS THEREFORE ORDERED that Plaintiff is granted her Motion for entry of judgment in favor of Plaintiff on Defendant's Counterclaim. Defendant's Counterclaim is hereby dismissed with prejudice. Defendant's Motion to Strike and Motion for Damages are denied.

IT IS FURTHER ORDERED that Defendant file a supersedeas bond in the amount of Plaintiff's judgment in order to stay any execution on the judgment in the event an appeal is taken by Defendant.

This Order is effective as of the date and time shown on the electronic file stamp.

DISTRICT COURT JUDGE

Respectfully submitted:

/s/ Rhonda K. Levinson

Rhonda K. Levinson #16213

PERRY and TRENT, L.L.C.

132 Oak

Bonner Springs, Kansas 66012

Phone: 913-441-3411

rhonda@perrytrent.com

Attorney for Plaintiff

NOT DESIGNATED FOR PUBLICATION

No. 122,380

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CARRIE KATHLEEN MEEHAN,
Appellee,

V.

SHANNON RILEY,
Appellant.

MEMORANDUM OPINION

Appeal from Johnson District Court; PAUL C. GURNEY, judge. Opinion filed September 25, 2020.
Appeal dismissed.

Shannon Riley, of Aiken, South Carolina, appellant pro se.

Rhonda K. Levinson, of Perry and Trent, L.L.C., of Bonner Springs, for appellee.

Before GREEN, P.J., STANDRIDGE, J., and MCANANY, S.J.

PER CURIAM: Carrie Kathleen Meehan commenced an action for breach of contract and other claims against Shannon Riley. Riley was personally served in South Carolina. In March 2018, Riley filed her answer, generally denying Meehan's claims. She also asserted a counterclaim against Meehan for a commission she claimed she was due for the sale of a horse that Meehan had imported from Ireland. Riley sought judgment against Meehan for a sum in excess of \$25,000 and requested a jury trial.

In October 2018, Meehan moved for judgment for Riley's failure to comply with the court's discovery order, her failure to pay a court-imposed sanction, and her failure to

cooperate with Meehan in the preparation of an agreed pretrial order. Meehan sent Riley a notice of the hearing on this motion to her South Carolina address.

In December 2018, the district court entered judgment in favor of Meehan and against Riley on Meehan's claim, based on Riley's failure to comply with the court's discovery orders and her failure to attend pretrial hearings. The court's judgment included an award of punitive damages on Meehan's claim after hearing testimony on that issue.

In January 2019, the district court entered an order nunc pro tunc adding pre-judgment interest, which had been omitted from the original journal entry of judgment in favor of Meehan on her claim against Riley. At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending.

Riley moved to set aside the judgment on Meehan's claim against Riley, and the district court denied the motion. Riley appealed.

K.S.A. 2019 Supp. 60-2102(a)(4) allows our court to review a final decision in a civil proceeding. A final decision is a decision "which finally decides and disposes of the entire merits of the controversy and reserves no further questions or directions for the future or further action of the court." *Kansas Medical Mut. Ins. Co. v. Svaty*, 291 Kan. 597, 610, 244 P.3d 642 (2010). The phrase "final decision" is self-defining and refers to an order that definitely terminates a right or liability involved in an action or that grants or refuses a remedy as a terminal act in the case. *Allison v. State*, 56 Kan. App. 2d 470, 475, 432 P.3d 87 (2018).

Interlocutory appeals may be taken when the district court certifies (1) that an order involves a controlling question of law about which substantial ground exists for difference of opinion and (2) that an immediate appeal may materially advance the ultimate termination of the litigation. The Court of Appeals may thereafter permit an

appeal in its discretion. K.S.A. 2019 Supp. 60-2102(c). No such certification exists in this case.

Riley's counterclaim for breach of contract is outstanding and has not been dismissed. The district court's judgment only provides: "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Costs of the action." No ruling has ever been sought, and no action has been taken on Riley's outstanding counterclaim.

We have invited the parties to show cause why this appeal should not be dismissed for lack of jurisdiction. Neither party has satisfactorily shown that we have jurisdiction notwithstanding the fact that no action has been taken on Riley's currently pending counterclaim.

Accordingly, there has been no final decision that disposes of all the outstanding issues in this case. As a result, we have no jurisdiction to consider this appeal and the appeal is dismissed.

Appeal dismissed.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CARRIE KATHLEEN MEEHAN

Plaintiff

v.

SHANNON RILEY

Defendant

Case No. 18 CV 490

Division No. 11

Pursuant to K.S.A. Chapter 60

JOURNAL ENTRY GRANTING DEFAULT JUDGMENT

NOW, on this 20th day of November, 2018, the same being one of the regular judicial days of the above-named Court, this cause comes regularly on for trial to the Court on Plaintiff's Petition in the above captioned case. The Plaintiff Carrie Kathleen Meehan appears in person and by her attorney, Rhonda K. Levinson of Perry & Trent LLC. The respondent does not appear. There are no other appearances.

THEREUPON, the Court, having heard testimony of Plaintiff, having examined the evidence and pleadings in this case, and being otherwise well and duly advised in the premises, finds as follows:

1. That jurisdiction and venue are proper.
2. That the Respondent filed an answer in the above case.
3. That the Respondent has failed to comply with the Court's prior order regarding providing responses to interrogatories and requests for production propounded by the Plaintiff to Respondent.
4. That the Respondent failed to attend the pretrial hearing in this matter.
5. That the Respondent has failed to appear at the hearing on Plaintiff's Motion for Default Judgment despite having been sent notice of the same.



Clerk of the District Court, Johnson County, Kansas
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6. That as a result of the failure to comply with the Court's order regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the Court finds that entry of judgment against the Defendant is appropriate.

7. The Court finds in favor of the Plaintiff on all counts in the Petition, for actual damages in the amount of forty thousand dollars (\$40,000.00). The Court finds that the Defendant breached the contract between the parties, breached her fiduciary duty, wrongfully converted funds, and committed fraud.

8. Having found in favor of Plaintiff on all counts in the Petition, the Court next considers Plaintiff's motion to award punitive damages.

9. After hearing evidence and testimony regarding the matter, the Court finds that punitive damages are warranted. The Court finds by clear and convincing evidence that the Defendant has committed fraud, that the evidence shows her conduct was willful and an ongoing deceit.

10. The Court therefore, after considering the statutory factors, awards the Plaintiff eighty thousand dollars (\$80,000.00) in punitive damages.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

The above findings are adopted as the Order of this Court.

Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00.

Court costs shall be assessed against the Respondent.

Clerk of the District Court, Johnson County Kansas
12/03/18 (s) Seann A. J. M.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 11/30/18

District Judge

Submitted by:

/s/ Rhonda K. Levinson
Rhonda K. Levinson #16213
Perry & Trent LLC
13100 Kansas Avenue, Suite C
Booner Springs, KS 66012
(913) 441-3411
Fax: (913) 551-3656
rhonda@perrytrent.com
Attorney for Plaintiff

Clerk of the District Court, Johnson County Kansas
12/31/18 09:56am MIM

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CARRIE KATHLEEN MEEHAN

Plaintiff,

V.

SHANNON RILEY

Defendant.

Case No. 18 CV 490

Division No: 11

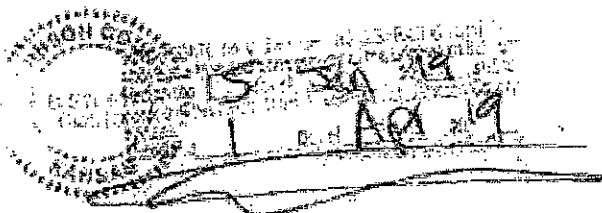
Pursuant to K.S.A. Chapter 60

**NUNC PRO TUNC
JOURNAL ENTRY CORRECTING DEFAULT JUDGMENT
CONSISTENT WITH THE ORDER OF THE COURT**

NOW, on this 20th day of November, 2018, the same being one of the regular judicial days of the above-named Court, this cause comes regularly on for trial to the Court on Plaintiff's Petition in the above captioned case. The Plaintiff Carrie Kathleen Meehan appears in person and by her attorney, Rhonda K. Leviason of Perry & Trent LLC. The respondent does not appear. There are no other appearances.

THEREUPON, the Court, having heard testimony of Plaintiff, having examined the evidence and pleadings in this case, and being otherwise well and duly advised in the premises, finds as follows:

1. That jurisdiction and venue are proper.
2. That the Respondent filed an answer in the above case.
3. That the Respondent has failed to comply with the Court's prior order regarding providing responses to interrogatories and requests for production propounded by the Plaintiff to Respondent.
4. That the Respondent failed to attend the pretrial hearing in this matter.



Clerk of the District Court, Johnson County, Kansas
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5. That the Respondent has failed to appear at the hearing on Plaintiff's Motion for Default Judgment despite having been sent notice of the same.

6. That as a result of the failure to comply with the Court's order regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the Court finds that entry of judgment against the Defendant is appropriate.

7. The Court finds in favor of the Plaintiff on all counts in the Petition; for actual damages in the amount of forty thousand dollars (\$40,000.00). The Court finds that the Defendant breached the contract between the parties, breached her fiduciary duty, wrongfully converted funds, and committed fraud.

8. Having found in favor of Plaintiff on all counts in the Petition, the Court next considers Plaintiff's motion to award punitive damages.

9. After hearing evidence and testimony regarding the matter, the Court finds that punitive damages are warranted. The Court finds by clear and convincing evidence that the Defendant has committed fraud, that the evidence shows her conduct was willful and an ongoing deceit.

10. The Court therefore, after considering the statutory factors, awards the Plaintiff eighty thousand dollars (\$80,000.00) in punitive damages.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

The above findings are adopted as the Order of this Court.

Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the

Clerk of the District Court, Johnson County, Kansas
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statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Costs of the action.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 01/15/19

District Judge

Submitted by:

/s/Rhonda K. Levinson
Rhonda K. Levinson #16213
Perry & Trent LLC
13400 Kansas Avenue, Suite C
Bonner Springs, KS 66012
(913) 441-3411
Fax: (913) 551-3656
rhonda@perrytrent.com
Attorney for Plaintiff

Clerk of the District Court, Johnson County, Kansas
01/15/19 03:23pm SP

MANDATE

COURT OF APPEALS,

Appellate Court No. 20-122380-A

ss.

STATE OF KANSAS,

District Court No. 18CV490

The State of Kansas, to the District Court within and for the County of JOHNSON
in the State of Kansas, Greeting:

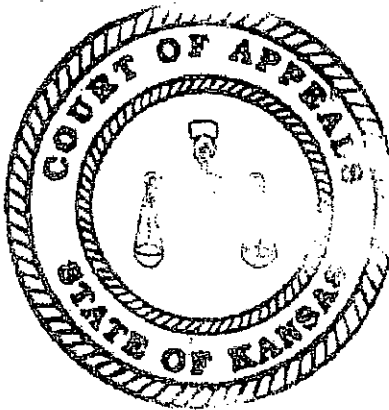
WHEREAS, In a certain civil action lately pending before you, wherein CARRIE KATHLEEN MEEHAN, appellee, and, SHANNON RILEY, appellant, a judgment was rendered by you against the appellant from which judgment appellant prosecuted an appeal in the Court of Appeals within and for the State of Kansas;

AND WHEREAS, on September 25, 2020, on consideration of the appeal, it was ordered and adjudged by the Court of Appeals that the appeal be dismissed.

AND WHEREAS, on October 20, 2020, the Court of Appeals denied the motions for rehearing or modification.

AND WHEREAS, on August 5, 2021, the Supreme Court denied the petitions for review filed in this case and denied all pending motions and noted all responses and replies. The appeal is dismissed. An attested true copy of the Court of Appeals opinion is attached.

YOU ARE THEREFORE COMMANDED, that without delay you cause execution to be had of the judgment of the Court of Appeals, according to law.



Costs

Paid Fees of Clerk of the Appellate Courts.....\$ 155.00

Other Costs\$

Total.....\$

WITNESS my hand and the seal of the Court of Appeals affixed
hereto, at my office, in the City of Topeka, on AUG 18 2021

Douglas T. Shima

DOUGLAS T. SHIMA, Clerk of the Appellate Courts

**MANDATE RECEIVED BY CLERK
TRIAL JUDGE NOTIFIED**

Date: _____

PS

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IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL DEPARTMENT

CARRIE KATHLEEN MEEHAN,

Plaintiff,

vs.

SHANNON RILEY,

Defendant.

Case No. 18-CV-490

Div. 11

ORDER OF FINAL JUDGMENT

NOW on this date, the Court considers Defendant's *Motion to Vacate Default Judgment*, filed May 23, 2019, and *Emergency Motion to Dismiss*, filed November 5, 2019. After reviewing the record, the Court finds as follows:

1. Jurisdiction and venue in this action were proper.
2. As a result of the failure to comply with the Court's orders regarding discovery, failure to attend the pretrial hearing, and failure to attend the hearing on the motion for default judgment, the entry of default judgment against the Defendant was appropriate.
3. The *Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court*, entered January 15, 2019, constitutes a final order because it disposed of the action as to all claims by all parties and no appeal was taken during the statutory deadlines.

THEREFORE, the above findings are adopted as the Order of this Court and Defendant's motions to vacate and dismiss the judgment are denied.

IT IS SO ORDERED.

/s/ PAUL GURNEY
Dated: 12/05/19

The Honorable Paul C. Gurney, District Judge

Clerk of the District Court, Johnson County Kansas
12/05/19 11:13am KH

5 Dec 19
16 Dec 19
CLERK OF THE DISTRICT COURT
DEPUTY

Prepared by:

/s/ Rhonda K. Levinson

Rhonda K. Levinson #16213

Perry & Trent, LLC

13100 Kansas Ave., Suite C

Bonner Springs, KS 66012

(913) 441-3411 (phone)

(913) 441-3656 (fax)

rhonda@perrytrent.com

Attorney for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF Aiken
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP0200950

Carrie Kathleen Meehan
PLAINTIFF(S)

Shannon Riley
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Motion for reconsideration of Final Order is denied.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/03/2020.

Shannon Riley for Shannon Riley
Shannon Riley for Shannon Riley

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Robert J. Harte

By *Charles D. Harte* Date 2/3/2020
Deputy Clerk *Plouffe*

AFFIDAVIT OF DIONÉ C. CARROLL

April 19, 2019

I, DIONÉ C. CARROLL, do hereby dispose and state:

1. I am an attorney licensed to practice in South Carolina.
2. I have been retained by Ms. Meehan to enforce an unpaid foreign judgment.
3. Pursuant to Section 15-35-920, a copy of the foreign judgment is being filed contemporaneously with the Aiken County Clerk of Court in the State of South Carolina.

Case Background

4. Carrie Kathleen Meehan is the judgment creditor.
5. Shannon Riley is the judgment debtor.
6. A Petition was filed in the District Court of Johnson County, Kansas on January 29, 2018. See *Meehan v. Riley*, Case No. 18 CV 490.
7. A default judgment was entered against Ms. Riley on November 30, 2018.
8. District Judge Paul Gurney ruled in favor of the Plaintiff, Carrie Kathleen Meehan. Ms. Meehan was granted judgment against Ms. Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00. The Court ordered that Court costs be assessed against Ms. Riley.
9. A Journey Entry Granting Default Judgment was filed in the District Court of Johnson County, Kansas on December 3, 2018.
10. A Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court was filed in the District Court of Johnson County, Kansas on January 15, 2019.
11. Ms. Meehan was granted judgment against Ms. Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the costs of the action.

Pursuant to Section 15-35-920 (A), affiant states the following in support of the domestication of the aforementioned foreign judgment:

12. The aforementioned foreign judgment is final.
13. The foreign judgment is unsatisfied in whole.
14. Ms. Riley owes \$40,000.00 in actual damages, \$80,000.00 in punitive damages, interest, and the costs of the action.
15. The foreign judgment is not further contested. There are no post-trial motions pending before the District Court of Johnson County. Ms. Riley has not filed a notice of appeal and there is not a pending appeal in this matter.

To the best of my knowledge the foregoing statements of fact are true and correct.

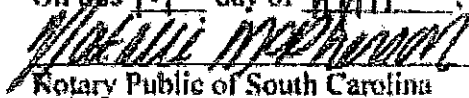
Further the affiant sayeth naught.



Dioné C. Carroll

Sworn and Subscribed before me

On this 19th day of April, 2019.



Notary Public of South Carolina

Commission expires: 8-16-2021.