

STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS  
CASE NO. 2026-CP-38-\_\_\_\_\_

KELLEE LANZA,

Plaintiff,

v.

SUMMONS

DAVID PASCOE, in his official capacity  
as Solicitor for the First Judicial Circuit  
and the FIRST JUDICIAL CIRCUIT  
SOLICITOR'S OFFICE,

Defendants.

TO THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint upon the subscriber, at his office, 6511 Dare Circle, Columbia, South Carolina 29206, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint in the time aforesaid, a judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,

/s/ Andrew S. Radeker

Andrew S. Radeker

S.C. Bar No. 73743

RADEKER LAW, P.A.

6511 Dare Circle

Columbia, South Carolina 29206

(803) 500-0891

drew@radekerlaw.com

ATTORNEY FOR PLAINTIFF

Columbia, South Carolina  
May 19, 2026

**STATE OF SOUTH CAROLINA**  
**COUNTY OF ORANGEBURG**

**IN THE COURT OF COMMON PLEAS**  
**CASE NO. 2026-CP-38-\_\_\_\_\_**

**KELLEE LANZA,**

**Plaintiff,**

**v.**

**COMPLAINT**

**DAVID PASCOE, in his official capacity  
as Solicitor for the First Judicial Circuit  
and the FIRST JUDICIAL CIRCUIT  
SOLICITOR'S OFFICE,**

**Defendants.**

The Plaintiff, complaining of the Defendants herein, alleges as follows:

1. This action arises under the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. §§ 30-4-10 to -165, to compel the Defendants to comply with their obligations under FOIA to provide public records in response to lawful requests.

2. Plaintiff submitted two separate FOIA requests to the Solicitor's Office in June (dated May 20, but sent in June) and July 2025. Despite the passage of nearly a year, Defendants have completely failed to respond to the second request and provided a materially deficient response to the first request.

3. The South Carolina General Assembly has declared that "it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy." S.C. Code Ann. § 30-4-15. The provisions of FOIA "must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons

seeking access to public documents or meetings.” *Id.* Defendants’ conduct in this matter directly contravenes that mandate.

4. Plaintiff is Kellee Lanza, who is domiciled in Virginia.

5. Defendant Office of the First Judicial Circuit Solicitor is a public body as defined by S.C. Code Ann. § 30-4-20(a), with offices located in Calhoun County, Dorchester County, and Orangeburg County, South Carolina.

6. Defendant David Pascoe is an elected official as Solicitor for the First Judicial Circuit. As Solicitor, Pascoe is responsible for the operations and records of the Solicitor’s Office.

7. This court has subject matter jurisdiction over this action pursuant to S.C. Code Ann. § 30-4-100(A), which provides that the circuit court may issue “a declaratory judgment, injunctive relief, or both, to enforce the provisions of” the South Carolina Freedom of Information Act.

8. Venue is proper in Orangeburg County because Orangeburg County is within the First Judicial Circuit, and the Defendants are a public official and a public body operating within the First Judicial Circuit.

9. The Defendants maintain an office in Orangeburg County and center their processing of FOIA requests at that office.

10. This action is timely filed within one year of the subject FOIA violations as required by S.C. Code Ann. § 30-4-100(A).

**A. Plaintiff’s First FOIA Request**

11. On June 10, 2025, Plaintiff submitted a written FOIA request (the “First Request”) to the Defendants through Phil Giese at the First Judicial Circuit Solicitor’s Office. A copy of that

request (with a redacted address for the Plaintiff) is Exhibit A to this complaint. *See Exhibit A* (First FOIA Request).<sup>1</sup>

12. The First Request sought copies of all documents and communications relating to, among other things: (a) all travel reimbursements, mileage, receipts, or expenditure requests for Solicitor David Pascoe since January 2005, including the destination, duration, purpose of travel, method, and source of any related expense reimbursement; and (b) all travel expenditures related to Anna Richter, both in an official capacity on behalf of the Solicitor's Office or as a personal or business associate of any employee of the Solicitor's Office.

13. The First Request specifically asked that responsive records be provided in electronic form and on a rolling basis as they became available.

14. On or about July 9, 2025, the Solicitor's Office sent an initial response to the First Request (the "Initial Response"). That response is Exhibit B to this complaint. *See Exhibit B* (Initial Response). The Initial Response provided the notification required under S.C. Code Ann. § 30-4-30(C).

15. The Initial Response stated that the Solicitor's Office was not in possession of any travel reimbursement requests, mileage records, expenditure requests, travel agendas, transportation tickets, or receipts relating to David Pascoe.

16. The Initial Response further stated that the Solicitor's Office was not in possession of any records reflecting travel expenditures for Anna Richter.

17. The Initial Response indicated that the only record responsive to the request and in the possession of the Solicitor's Office consisted of "expenditure records" for David Pascoe.

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<sup>1</sup> Although the First FOIA Request is dated May 20, 2025, the communication was sent to the First Judicial Circuit Solicitor's Office on June 10, 2025.

18. On or about August 8, 2025, the Solicitor's Office sent a second response (the "Second Response"), which stated, "[w]e have enclosed all the documents that exist in this office in regard to your request." A copy of the Second Response is Exhibit C to this complaint. *See Exhibit C* (Second Response).

19. The Solicitor's Office did not, in fact, produce documents responsive to the First Request. Instead, the Solicitor's Office provided what amounted to a written, interrogatory-style narrative answer to the requests rather than furnishing copies of the actual records and documents requested.

20. Under FOIA, a person has the right to "inspect, copy, or receive an electronic transmission of any public record of a public body." S.C. Code Ann. § 30-4-30(A)(1). By providing narrative responses instead of producing responsive documents, the Solicitor's Office failed to comply with its obligations under the statute.

21. By not providing or allowing the inspection of the responsive documents, the Solicitor's Office failed to comply with its obligations under the statute.

**B. Plaintiff's Second FOIA Request**

22. On June 12, 2025, Plaintiff submitted a second, separate written FOIA request (the "Second Request") to Mr. Phil Giese at the Office of the First Judicial Circuit Solicitor's Office. *See Exhibit D* (Second FOIA Request).

23. The Second Request sought copies of all documents and communications relating to, among other things: (a) documents and communications pertaining to Anna Richter as an employee of the Solicitor's Office, including non-confidential personnel filings, dates of employment, reimbursement requests, complaints by members of the public, and memoranda from the state or local government regarding her employment; (b) copies of emails sent from FOIA-covered email addresses used by Anna Richter to and from David Pascoe; (c) documents and

communications regarding Ashley Cornwell's employment with the Solicitor's Office, especially as it pertained to a transfer and Ms. Richter; and (d) documentation of any exceptions sought or granted to the prohibition of "fraternization" in relation to David Pascoe, Ms. Richter, and any other employees of the Solicitor's Office.

24. Like the First Request, the Second Request asked that records be provided in electronic form and on a rolling basis.

25. Under S.C. Code Ann. § 30-4-30(C), a public body receiving a written request for records under FOIA must, "within ten days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of the request, notify the person making the request of its determination and the reasons for it; provided, however, that if the record is more than twenty-four months old at the date the request is made, the public body has twenty days (excepting Saturdays, Sundays, and legal public holidays) of the receipt to make this notification."

26. The Solicitor's Office did not respond to the Second Request. Plaintiff received no acknowledgment, no determination, and no records whatsoever in response to the Second Request.

27. Under the statute, "[i]f written notification of the determination of the public body as to the availability of the requested public record is neither mailed, electronically transmitted, nor personally delivered to the person requesting the document within the time set forth by this section, the request must be considered approved as to nonexempt records or information." S.C. Code Ann. § 30-4-30(C).

28. On or about November 6, 2025, having received no response for nearly five months, Plaintiff followed up with Mr. Giese by email regarding the status of the Second Request. *See Exhibit E* (November 6, 2025 Email Chain). Mr. Giese responded that same day, stating, "I don't recall receiving this but I will process." *See Exhibit E* (November 6, 2025 Email Chain). *Id.* Those emails are Exhibit D to this complaint.

29. Despite Mr. Giese’s assurance that he would process the Second Request, the Solicitor’s Office has provided no further communication, no determination, and no records in response to the Second Request. As of the date of the filing of this Complaint, the Second Request remains entirely unanswered—more than ten months after it was submitted and more than five months after Mr. Giese acknowledged he would process it.

**FOR A FIRST CAUSE OF ACTION**  
**(Violation of the South Carolina Freedom of Information Act)**

30. Each assertion set forth in this pleading that is consistent with the following is incorporated herein by reference as if here set forth verbatim.

31. The Solicitor’s Office is a “public body” within the meaning of S.C. Code Ann. § 30-4-20(a).

32. The records sought by the First Request are “public records” within the meaning of S.C. Code Ann. § 30-4-20(c).

33. The First Request was a lawful request for records made pursuant to the South Carolina Freedom of Information Act.

34. The records sought by the Second Request are “public records” within the meaning of S.C. Code Ann. § 30-4-20(c).

35. The Second Request was a lawful request for records made pursuant to the South Carolina Freedom of Information Act.

36. South Carolina law at S.C. Code Ann. § 30-4-30(C) required the Solicitor’s Office to notify Plaintiff of its determination regarding the Second Request within ten business days of receipt.

37. The Solicitor’s Office wholly failed to respond to the Second Request within the time required by statute and has failed to respond to this day.

38. By failing to provide any response or produce any records in response to the Second Request, Defendants have violated S.C. Code Ann. § 30-4-30.

39. By operation of S.C. Code Ann. § 30-4-30(C), Defendants' failure to respond within the statutory period means the Second Request "must be considered approved as to nonexempt records or information."

40. Defendants' continued refusal and failure to produce records responsive to the Second Request constitutes an ongoing violation of FOIA.

41. S.C. Code Ann. § 30-4-30(A)(1) provides that "[a] person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body."

42. The First Request sought copies of specific categories of documents and records maintained by the Solicitor's Office.

43. Rather than producing copies of records responsive to the First Request, the Solicitor's Office provided a written narrative summary akin to interrogatory answers.

44. FOIA grants citizens the right to receive copies of public records—not merely summaries, narratives, or explanations drafted by the public body. S.C. Code Ann. § 30-4-30(A)(1). By providing narrative responses rather than producing the documents themselves, the Solicitor's Office deprived Plaintiff of her statutory right to inspect, copy, or receive the actual records.

45. FOIA does not permit a description of records or a description of their contents to satisfy a public body's obligation to produce or otherwise allow for the inspection of the records themselves.

46. Defendants' response to the First Request was therefore inadequate and in violation of the South Carolina Freedom of Information Act.

47. An actual and justiciable controversy exists between Plaintiff and Defendants regarding Defendants' obligations under the South Carolina Freedom of Information Act.

48. Pursuant to S.C. Code Ann. § 30-4-100(A), Plaintiff is entitled to a declaratory judgment declaring that: (a) Defendants violated the South Carolina Freedom of Information Act by failing to respond to the Second Request; (b) Defendants violated the South Carolina Freedom of Information Act by providing an insufficient narrative response to the First Request; (c) Plaintiff is entitled to receive copies of all nonexempt records responsive to both the First Request and the Second Request; and (d) by operation of S.C. Code Ann. § 30-4-30(C), the Second Request must be considered approved as to all nonexempt records.

49. S.C. Code Ann. § 30-4-100(A) provides that a violation of FOIA "must be considered to be an irreparable injury for which no adequate remedy at law exists."

50. The Court may order equitable relief as it considers appropriate to enforce the provisions of FOIA. S.C. Code Ann. § 30-4-100(A).

51. Plaintiff is entitled to injunctive relief compelling Defendants to produce all nonexempt records responsive to the First Request and the Second Request and to comply with the requirements of the South Carolina Freedom of Information Act.

**WHEREFORE**, Plaintiff respectfully prays that the court:

(1) Issue a declaratory judgment declaring that Defendants violated the South Carolina Freedom of Information Act by failing to respond to the Second Request and by providing an inadequate response to the First Request;

(2) Issue a declaratory judgment declaring that the Second Request is deemed approved as to all nonexempt records pursuant to S.C. Code Ann. § 30-4-30(C);

(3) Issue an injunction compelling Defendants to produce all nonexempt records responsive

to the First Request and the Second Request within a time period set by this Court;

(4) Award Plaintiff reasonable attorney's fees and costs of litigation pursuant to S.C. Code Ann. § 30-4-100(B);

(5) To the extent such relief may be issued in this proceedings, impose a civil fine upon Defendants for their arbitrary and capricious refusal and delay in disclosing or providing copies of public records pursuant to S.C. Code Ann. § 30-4-110(F); and

(6) Award Plaintiff such other and further relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Andrew S. Radeker

Andrew S. Radeker

S.C. Bar No. 73743

RADEKER LAW, P.A.

6511 Dare Circle

Columbia, South Carolina 29206

(803) 500-0891

drew@radekerlaw.com

ATTORNEY FOR PLAINTIFF

Columbia, South Carolina  
May 19, 2026

Kellee Lanza  


May 20, 2025

Mr. Phil Giese  
Office of the First Judicial Circuit Solicitor's Office  
151 Docket Street  
Orangeburg, South Carolina 29115

Dear Mr. Giese

Pursuant to my rights under the South Carolina Freedom of Information Act (SC Code 30-4-10, et seq) for copies of all documents and communications. Specifically, I am requesting the following information as it covers all three offices of the First Judicial Circuit Solicitor's Office:

- Copies of all documents and communications, electronic or otherwise, pertaining to Anna Richter (aka Anna Welch), as an employee of the First Circuit Solicitor's office. This should include publicly available, i.e. non-confidential personnel filings including the dates of employment, any reimbursement requests for travel and meals, any complaints by members of the public regarding her employment in the office, or memoranda from the state or local government about her employment with the First Circuit Solicitor's office.
- Copies of emails sent from FOIA-covered email addresses used by Anna Richter (aka Anna Welch) to and from Solicitor David Pascoe, using any personal or professional email addresses. These should include, but are not limited to, messages that include the words divorce, Kirsten, wife, husband, travel, investigation, or relationship.
- Documents and communications, including electronic, regarding Ashley Cornwell's employment with the First Circuit Solicitor's office, especially as it pertains to a transfer and Ms. Richter (aka Anna Welch).
- Documentation of any exceptions sought or may have been granted to the prohibition of "fraternization" in relation to David Pascoe, Ms. Richter (aka Anna Welch), and any other employees of the First Circuit Solicitor's Office. This includes any communication using public or private email or text on public devices that concern official business.

Because this request primarily benefits the public, I request that any search or duplication fees be waived. If there is a charge for providing me access, please advise me of your estimate of the charge and its basis prior to accruing charges. If possible, please provide these in electronic form and on a rolling basis, as they become available. Please cite the specific exemption under FOIA should your office opt to deny or restrict access to any portion of this request.

If you have any questions regarding this request, feel free to call or email me directly at (571) 428-8647 or kellanza@gmail.com. I look forward to hearing from you within the time limits set by the law and appreciate your attention to this request.

Exhibit A (First FOIA Request)

Sincerely,  
Kellee Lanza

FITSNEWS



This office is not in possession of “travel companions who appear in any travel manifests or documentation and enjoyed/benefitted from any travel or lodging... paid for by the Solicitor’s Office.”

2. **All travel expenditures related to Anna E. Richter, both in an official capacity on behalf of the First Circuit’s Solicitor’s Office or as a personal or business associate of any employee of the First Circuit Solicitor’s Office, to include but not limited to David Pascoe. The request should include any variations of Ms. Richter’s name (i.e. Anna Welch).**

This office is not in possession of any “travel expenditures related to Anna E. Richter, both in an official capacity on behalf of the First Circuit Solicitor’s Office or as a personal or business associate of any employee of the First Circuit Solicitor’s Office.”

This office will furnish all public records, as defined by S.C. Code Ann. Sec. 30-4-20, which are not exempt from disclosure pursuant to S.C. Code Ann. Sec. 30-4-40 or make them available for inspection or copying no later than 30 calendar days from this letter. Because Solicitor Pascoe’s travel is very limited and he has a long-standing policy of never receiving reimbursement or even per diem for work travel, our office will try to itemize the records by each work trip/conference for your convenience. I do not foresee fees being assessed or the requirement of a deposit. If this changes and costs become anticipated, I will let you know immediately.

Sincerely,



Phil Giese

First Circuit Solicitor’s Office

# The State of South Carolina

## OFFICE OF SOLICITOR

First Judicial Circuit

5200 East Jim Bilton Boulevard  
Dorchester County Courthouse  
St. George, SC 29477  
(843) 832-0150  
FAX (843) 832-0155



**DAVID M. PASCOE**  
Solicitor

101 Ridge Street  
2nd Floor  
St. George, SC 29477  
(843) 871-2640  
FAX (843) 871-2643

Courthouse, Amelia Street  
Post Office Box 1525  
Orangeburg, SC 29116  
(803) 533-6252  
FAX (803) 533-6004  
PTI (803) 533-6137

102 Courthouse Drive  
Suite 111  
St. Mathews, SC 29135  
(803) 874-1978  
FAX (803) 874-1242

August 8, 2025

Kellee Lanza

Dear Ms. Lanza:

Hope all is well. Thank you for your request. As you are aware, we sent you a response to that request in early July that advised that this Office is in possession of "expenditure" records responsive to your request. Again, this is not a final decision or opinion as to whether specific portions of the records may be subject to redaction according to exemptions provided by S.C. Code Ann. Sec. 30-4-40 or other state and federal laws. We have enclosed all the documents that exist in this office in regard to your request.

**I. South Carolina Solicitors Association Meeting June 16-17<sup>th</sup> 2022 in Charleston, SC.**

The First Circuit Solicitor's Office did pay for the travel expenses for this trip in the amount of \$845.52. Only the room was paid for by the First Circuit Solicitor's Office. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**II. South Carolina Solicitor's Annual Conference September 18-21, 2022 in Myrtle Beach, SC.**

The First Circuit Solicitor's Office did not pay for the travel expenses for this trip. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**III. South Carolina Solicitor's Association Meeting December 13-14, 2022 in Highlands, NC.**

The First Circuit Solicitor's Office did pay for the travel expenses for this trip in the amount of \$1142.65. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**IV. South Carolina Solicitor's Association Meeting July 27-28, 2023 in Clemson, SC.**

The First Circuit Solicitor's Office did pay for the travel expenses for this trip in the amount of \$298.00. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**V. 2023 South Carolina Solicitor's Annual Conference October 8-11, 2023 in Myrtle Beach, SC.**

The First Circuit Solicitor's Office did not pay for the travel expenses for this trip. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**VI. South Carolina Solicitor's Association Meeting December 11-12, 2024 in Charleston, SC.**

The First Circuit Solicitor's Office did pay for the travel expenses for this trip in the amount of \$845.52. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**VII. South Carolina Solicitor's Association Meeting July 29-30, 2024 in Greenville, SC.**

The First Circuit Solicitor's Office did pay for the travel expenses for this trip in the amount of \$953.70. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**VIII. 2024 Solicitor's Annual Conference October 13-16, 2024 in Myrtle Beach, SC.**

The First Circuit Solicitor's Office did not pay for the travel expenses for this trip. Solicitor Pascoe has a longstanding rule not to accept a per diem or any direct payment from the office.

**IX. South Carolina Solicitor's Meeting December 2-3, 2024 in Beaufort, NC.**

The First Circuit Solicitor's Office did not pay for the travel expenses for this trip.

Please let us know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phil Giese", with a stylized flourish at the end.

Phil Giese

1<sup>st</sup> Circuit Solicitor's Office

FITSNEWS

Kellee Lanza

June 12, 2025

Mr. Phil Giese  
Office of the First Judicial Circuit Solicitor's Office  
151 Docket Street  
Orangeburg, South Carolina 29115

Dear Mr. Giese

Pursuant to my rights under the South Carolina Freedom of Information Act (SC Code 30-4-10, et seq) for copies of all documents and communications. Specifically, I am requesting the following information as it covers all three offices of the First Judicial Circuit Solicitor's Office:

- Copies of all documents and communications, electronic or otherwise, pertaining to Anna Richter (aka Anna Welch), as an employee of the First Circuit Solicitor's office. This should include publicly available, i.e. non-confidential personnel filings including the dates of employment, any reimbursement requests for travel and meals, any complaints by members of the public regarding her employment in the office, or memoranda from the state or local government about her employment with the First Circuit Solicitor's office.
- Copies of emails sent from FOIA-covered email addresses used by Anna Richter (aka Anna Welch) to and from Solicitor David Pascoe, using any personal or professional email addresses. These should include, but are not limited to, messages that include the words divorce, Kirsten, wife, husband, travel, investigation, or relationship.
- Documents and communications, including electronic, regarding Ashley Cornwell's employment with the First Circuit Solicitor's office, especially as it pertains to a transfer and Ms. Richter (aka Anna Welch).
- Documentation of any exceptions sought or may have been granted to the prohibition of "fraternization" in relation to David Pascoe, Ms. Richter (aka Anna Welch), and any other employees of the First Circuit Solicitor's Office. This includes any communication using public or private email or text on public devices that concern official business.

Because this request primarily benefits the public, I request that any search or duplication fees be waived. If there is a charge for providing me access, please advise me of your estimate of the charge and its basis prior to accruing charges. If possible, please provide these in electronic form and on a rolling basis, as they become available. Please cite the specific exemption under FOIA should your office opt to deny or restrict access to any portion of this request.

If you have any questions regarding this request, feel free to call or email me directly at (571) 428-8647 or kellanza@gmail.com. I look forward to hearing from you within the time limits set by the law and appreciate your attention to this request.

Sincerely,

Kellee Lanza

Exhibit D (Second FOIA Request)

**From:** Phil Giese <[pgiese@scsolicitor1.org](mailto:pgiese@scsolicitor1.org)>  
**Subject:** RE: FOIA Request -  
**Date:** November 6, 2025 at 9:50:26 AM EST  
**To:** Kellee Lanza [REDACTED]

I don't recall receiving this but I will process. Thanks for your patience.

Phil Giese  
Assistant Solicitor

Orangeburg County

-----Original Message-----

**From:** Kellee Lanza [REDACTED]  
**Sent:** Thursday, November 6, 2025 9:44 AM  
**To:** Phil Giese <[pgiese@scsolicitor1.org](mailto:pgiese@scsolicitor1.org)>  
**Subject:** FOIA Request -

[EXTERNAL - This message originated outside our organization. Use caution when clicking links or opening attachments.]

Mr. Giese,

My records indicate this was submitted back in June, but I have not received a response to this, a second request, although I received responses to the first.

Please advise me as to the status of this request, and if it was not received, please process it it.

Thank you,

Kellee Lanza-Bolen