

Environment & Natural Resources Sec./Health Care Law Sec./Administrative & Regulatory Law Committee

SPEAKER BIOGRAPHIES

Alan M. Wilson

Alan Wilson was elected South Carolina's Fifty-First Attorney General on November 2, 2010 and took office on January 12, 2011 becoming the nation's youngest Attorney General.

This marks his third stint in the office. Previously, he served as a prosecution division intern under Charlie Condon and as an Assistant Attorney General under Henry McMaster.

As South Carolina's Attorney General, Wilson is the state's chief prosecutor, chief securities officer, and the state's chief legal counsel. The office is comprised of more than sixty attorneys who manage nearly 8,000 active case files.

Wilson's has focused on keeping our families safe and defending the Constitution.

He has assembled an unprecedented coalition consisting of the Attorney General's office, the State Law Enforcement Division, all 46 sheriffs and all 16 solicitors. They are actively advancing legislative priorities to ensure South Carolina is the safest place to live, work, and raise a family.

As Attorney General, Wilson has also defended the Constitution and the laws of this state. He has protected South Carolina's right-to-work and helped lead the 26-state challenge to the federal health care mandate.

He is engaged in ongoing litigation in state and federal courts defending South Carolina's voter identification and immigration laws, the state's ports, and its energy interests at Yucca Mountain. Prior to his election, Wilson served as an Assistant Solicitor and as an Assistant Attorney General before entering private practice with the Columbia firm of Willoughby & Hoefler, P.A. He began his legal career working for the late Judge Marc H. Westbrook.

Growing up, public service was paramount in the Wilson household. Alan and his three brothers have all achieved the rank of Eagle Scout. All four presently serve our nation in uniform.

Wilson joined the National Guard immediately after graduating from college. He was called to serve in Iraq where he earned the Combat Action Badge for leading troops through enemy fire. Today, he continues his service as a Lieutenant Colonel in the Judge Advocate General Corps where he provides legal support for soldiers and assists in the prosecution of military crimes.

He is a graduate of Francis Marion University and the University of South Carolina School of Law.

Wilson and his wife, Jennifer, have two young children, Michael and Anna Grace.

Alex G. Shissias (Course Planner)

Mr. Shissias graduated from Auburn University in 1991 with a BA in Political Science and Philosophy. From there he went to graduate school at the University of Kent in the United Kingdom, graduating with a MA in Political Thought in 1993. He then attended law school at the University of South Carolina. While at USC, his interest in environmental law started when he took the only class then available on the subject, taught by Professor Steve Spitz. After graduating in 1996 Mr. Shissias immediately started work at the South Carolina Department of Health and Environmental Control, where he represented the Department in such varied areas as stormwater, wastewater, 401 Water Quality Certification, Air Quality, UST, solid and hazardous waste, infectious waste, laboratory certification, health regulation, food service establishments, environmental health, radiological health, and criminal investigations. In his six years at DHEC he took some 27 contested cases to final adjudication. In 2003 Mr. Shissias started work at Haynsworth, Sinkler, Boyd, where his practice concentrated more on transactional and regulatory issues, including due diligence, risk management, site remediation, and brownfields. While at HSB, Mr. Shissias also added other regulatory areas to his practice, including CERCLA matters, EPCRA, RCRA, FDA compliance, California Proposition 65, FIFRA, procurement, alcohol licensing, Certificate of Need, and OSHA. In January of 2012 Mr. Shissias left HSB to found his own law firm, a solo practice concentrating on environmental, administrative, and regulatory law. Mr. Shissias has been the chair of the SC Bar's Administrative and Regulatory Law Committee since 2011 and is a member of the Carolinas Air Pollution Control Association, the ABA Section of Energy, Environment, and Natural Resources, the South Carolina Association of Environmental Professionals, and the SC Chamber of Commerce Environmental and Technical Committee. He is rated "AV" by Martindale-Hubbell in the areas of Environmental Law, Administrative Law and Litigation.

Jennifer J. Aldrich

Jennifer Aldrich is a registered nurse. Prior to attending law school, she practiced nursing in the emergency department and intensive care areas. She graduated from the University of South Carolina School of Law in 1991. For two years, she served as a law clerk in the State Supreme Court to the Honorable Jean H. Toal. She then worked as a litigation associate in a private law firm for four years. Since 1997, Jennifer has been an Assistant United States Attorney in the District of South Carolina where she is the Deputy Civil Chief and the Health Care Fraud Coordinator for the District of South Carolina. Her work for the government is primarily Medicare, Medicaid, and TRICARE fraud cases and Drug Enforcement Administration actions.

Jon A. Wallace (Course Planner)

Jon A. Wallace attended pharmacy school at the University of North Carolina at Chapel Hill and law school at the University of South Carolina. In law school, he served as Associate Editor-in-Chief of the South Carolina Law Review and graduated *magna cum laude*. Mr. Wallace is in private law practice with Ford Wallace Thomson, LLC in Charleston, South Carolina where his practice is largely devoted to pharmacy and health law issues. Along with serving as General Counsel for the South Carolina Pharmacy Association, Mr. Wallace is a Clinical Associate Professor, Department of Clinical Pharmacy and Outcome Sciences at the South Carolina College of Pharmacy where he teaches on issues of pharmacy law. Mr. Wallace is a member of the South Carolina Bar, the United States District Court for South Carolina, the Charleston County Bar, the American Society for Pharmacy Law, the American Health Lawyers Association and the Food and Drug Law Institute.

E. Bart Daniel

Bart Daniel served as United State Attorney for the District of South Carolina from 1989 until 1992. While U.S. Attorney, he was presented the United States Attorney's Flag Award by the U.S. Attorney General, the highest award given to any United States Attorney.

Bart defended the first federal criminal health care case to go to trial in South Carolina. He has represented numerous health care providers in dozens of criminal and civil enforcement investigations over the years. His clients have included hospitals, hospice and DME providers, nursing homes, physicians and other health care professionals. He has represented publically traded health care companies as well as smaller closely held businesses and individuals. He has successfully defended providers in investigations involving violations of the Federal False Claims Act, Stark, Anti-kickback, cost reports, and upcoding.

Bart co-authored the recently published book entitled *Health Care Fraud and Collateral Consequences, 2nd Edition* (2011) and the featured article in the *South Carolina Lawyer* entitled "Health Care Reform: Recent Developments in Fraud Enforcement". Bart lectures extensively on health care enforcement to attorneys, providers and consultants, as well as government prosecutors, auditors and investigators. He prosecuted at trial the state's first criminal environmental case in South Carolina and has been active in the prosecution and defense of such cases on both the federal and state levels.

Bart co-authored *Environmental Crimes and Corporate Liability, 2nd Edition* (1999), and speaks at numerous local and national conferences on defending environmental enforcement actions.

Elizabeth T. "Lisa" Thomas

Elizabeth (Lisa) Thomas focuses her practice on health care. For nearly two decades, Ms. Thomas has been advising providers of many types:

- physician groups
- regional and national hospitals
- long-term care facilities
- diagnostic testing facilities
- surgery centers
- medical equipment suppliers

Ms. Thomas has experience counseling clients on such diverse matters as fraud and abuse laws, physician recruitment, medical staff matters, physician self-referral laws, Medicare and Medicaid reimbursement, physician and managed care contracts, hospital-physician alignment strategies, joint ventures, HIPAA privacy laws, and state laws applicable to the operations of health care providers. In numerous transactions, including reorganizations, joint ventures, mergers and acquisitions of health care companies, Ms. Thomas has experience with enrollment, licensure and certification of need arising in transactional matters. She also has advised health care providers on matters of corporate governance and formation of new ventures. Ms. Thomas has significant experience in drafting executive level employment agreements and advising clients on employment matters, ranging from discrimination claims, whistle-blower claims, and negotiating separation agreements.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Ms. Thomas was a shareholder at another law firm in Charleston.

PROFESSIONAL/CIVIC ACTIVITIES

- American Health Lawyers Association
- American Bar association
- South Carolina Bar Association
- Charleston County Bar association

ADMISSIONS

South Carolina
 U.S. Court of Appeals, Fourth Circuit
 U.S. District Court, South Carolina

EDUCATION

- J.D., University of South Carolina, 1988 (*magna cum laude*)
- B.A., Emory University, 1980

ACHIEVEMENTS

Recognized in *The Best Lawyers in America*® - Health Care Law

REPRESENTATIVE WORK

She has assisted clients in planning mergers and acquisitions to comply with extensive governmental regulations, including a multistate acquisition of long-term care facilities, multi-state acquisition of surgery centers, an acquisition of a large multi -location physician practice, and sale of a non-profit hospital to a for profit health system.

Ms. Thomas has guided the consolidation of physician groups in various specialties, assisting in the transformation of small practices into large, successful operations.

She has guided health care providers through multimillion dollar billing investigations by various agencies of the state and federal government and advises clients with regard to voluntary disclosures of overpayments.

Marshall Taylor, Jr.

Marshall Taylor serves as DHEC's general counsel. Born in Augusta, Georgia, he grew up in Aiken, South Carolina. He holds a bachelor's degree in mechanical engineering from Clemson University and a law degree from the University of South Carolina School of Law.

Before joining the staff of DHEC in May 2012, Taylor worked for the McNair Law Firm in Columbia. He practiced in the firm's administrative/regulatory section, where he represented and counseled companies on environmental and safety matters in a variety of industries including aerospace, chemical, mining, commercial real estate, and construction. He became a shareholder of the firm in 2006 and served as chairman of the firm's Associate Development Committee.

Prior to earning his law degree, Taylor worked six years for Westinghouse Savannah River Company as an engineer and manager in the Aiken facility's high level liquid waste operations.

Outside of work, Taylor has served on the Clemson University Humanities Advancement Board and as annual campaign chair of the Saluda Shoals Foundation.

Michael Tempel

Chief Special Investigator Michael W. Tempel is the senior investigator and supervisor of the OCI having been with the office since August of 1997. He has over 20 years of law enforcement and

investigative experience. His current responsibilities include conducting and supervising complex criminal investigations involving the illegal disposal of solid and hazardous wastes, frauds, forgeries, record falsifications and other white-collar crimes to bring successful criminal prosecutions by both State and Federal prosecutors.

He is an accredited South Carolina Criminal Justice Academy Police Instructor, Firearms Instructor, Detective, and Surveillance Technician. As such, he has developed and taught courses to other law enforcement officers across the state and country in areas of investigative techniques, interview and interrogation, surveillance, and complex cases. He is also Chairman of The Board of Directors, Southern Environmental Enforcement Network and assists in providing training to Law Enforcement Officers from the southern region it serves.

He is Chairman on the SCDHEC Law Enforcement Coordinating Committee where he assists other members in the design, improvement and implementation of the agency's law enforcement policies and procedures and provides training to other DHEC officers during required annual training.

During his tenure with OCI, Chief Special Investigator Tempel has assisted in the development and implementation of the unit's ability to independently perform computer search and seizures as a computer forensic examiner.

Before being promoted to OCI, he was a uniformed law enforcement officer with SCDHEC's Trident Environmental Quality Control District for two years. Prior to his employment with SCDHEC he was employed by the Medical University / College of Charleston Department of Public Safety as a Public Safety Officer. He attended the South Carolina Criminal Justice Academy in May 1995 where he received the J.P. Strom Award for obtaining the highest grade point average in his class.

Chief Special Investigator Tempel is from Charleston, South Carolina, attended Winthrop University and is married to Lisa Tempel where they live in Irmo South Carolina with their two children, Abigail and Garrett.

Randolph R. "Randy" Lowell (Course Planner)

A native of Summerville, South Carolina, Randy has a long resume of administrative and environmental law credentials. The U.S. Environmental Protection Agency has certified him as an Environmental Specialist, and he's certified as a stormwater compliance inspector and as a stormwater pollution plan preparer as well. He is admitted to practice in South Carolina and the District of Columbia and a number of federal courts. He has appeared before all appellate and trial court levels in South Carolina and before the Federal district and circuit courts.

Randy received his undergraduate degree from the College of Charleston. He received master's and law degrees from the University of South Carolina and a Master of Laws in Environmental Law from The George Washington University, where he was the Randolph C. Shaw Fellow. He has served on and chaired a number of national and state bar committees. He serves as an adjunct professor at the University of South Carolina School of Law and is a frequent author and lecturer on a number of legal issues.

Randy was named a South Carolina Super Lawyer Rising Star in 2012 and 2013 and holds an AV Preeminent peer-reviewed rating by Martindale-Hubbell. He serves on the boards of Richland Memorial Hospital and the Humanities Council of South Carolina, and also serves as vice-chair of the South Carolina Administrative Law Court Rules Committee.

Sheridon H. Spoon

Sheridon Spoon graduated from Emory law school in 1988 but avoided practicing law until 2000 by working at the Budget and Control Board as a management analyst and trainer from 1989 to 1994, then in similar positions at the Department of Revenue and the Department of Public Safety until joining the DPS Office of General Counsel in 2000; working mainly with the Freedom of Information Act and trying several DUI cases in Saluda County on behalf of the Highway Patrol. He began working for LLR in 2005 as a litigation attorney and has been an advice attorney there since 2007, having been assigned to most all boards under LLR at one time or another with the possible exceptions of Architecture, Engineering, Pharmacy and Cosmetology. He left Richland County for Saluda County in 2009 and resides there with three dogs, two of which came with the property. When in Leesville, he is a member of the Circle Volunteer Fire Department.

William N. "Bill" Nettles

Bill Nettles graduated from The Citadel and Widener University Law School in Harrisburg Pennsylvania. Bill was a private all four years at the Citadel and his stay there was fairly unremarkable. However, while at Widener Law School he was a member of Law Review, Moot Court Honor Society and was President of the Student Bar Association.

Bill was a Richland County Public Defender and rose to the violent crimes section of the office. After leaving the Public Defender's Office he went into private practice focusing on civil and criminal trial work. Bill's criminal practice included representing numerous capital defendants; two of which went to, and were reversed in, the United States Supreme Court. Bill also represented a broad array of white collar clients and corporations facing criminal prosecution. His achievements include the dismissal of his client from the WebMd case (one of the largest criminal fraud cases in the history of the district of South Carolina) as well as successfully representing Michael Phelps over that whole bong thing. Bill has published in The Champion, the magazine for the National Association of Criminal Defense Lawyers. Bill was on the faculty for the National Criminal Defense College and the Death Penalty College at the University of Santa Clara. He received the National NAACP Foot Soldier in the Sand Award, the highest legal award the NAACP has to offer, and the National Association of Criminal Defense Lawyers President's Award. He is a past president of the South Carolina Association of Criminal Defense Lawyers and the past chair of the South Carolina American Association for Justice Criminal Law subcommittee. In the civil arena Bill successfully represented individuals in a broad array of actions including medical malpractice, sexual abuse by clergy, and numerous successful class action cases against pharmaceutical companies.

In May of 2010 Bill was sworn in as the United States Attorney for the District of South Carolina. Bill has redirected resources by reducing the prosecution of low level drug dealers and instead, focusing on white collar prosecutions and pursuit of false claims actions. In a time of shrinking budget Bill has doubled the resources allotted to white collar resulting in a sharp rise in white collar prosecutions. Bill has doubled the resources to the false claims division of the office. As a result, South Carolina is 5th among the 93 US Attorney districts recovering over 110 million dollars in false claims recovery last year.