

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

RECEIVED

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S.C. Supreme Court

Case No. 2011-CP-40-7854

Appellate Case No. 2012-21-2125

John S. Rainey Appellant,

v.

Nimrata "Nikki" R. Haley Respondent.

RECORD ON APPEAL
VOLUME 3

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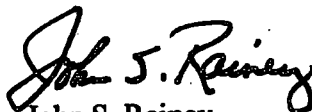
March 19, 2012
VIA HAND DELIVERY

The Honorable J. Roland Smith, Chairman
House Legislative Ethics Committee
South Carolina House of Representatives
Room 519 Blatt House Office Building
Columbia, South Carolina 29201

Dear Chairman Smith:

Please find enclosed a formal complaint I am filing with the House Ethics Committee. I have enclosed two copies, one for the Committee's official record and one as a courtesy copy to you.

Sincerely,


John S. Rainey

cc:

The Honorable Michael A. Pitts, Vice-Chair
327C Blatt Bldg.
Columbia, South Carolina 29201

The Honorable Joan B. Brady, Secretary
414B Blatt Bldg.
Columbia, South Carolina 29201

Page 2

**The Honorable Laurie Slade Funderburk, Treasurer
422D Blatt Bldg.
Columbia, South Carolina 29201**

**The Honorable Michael W. Gambrell
436A Blatt Bldg.
Columbia, South Carolina 29201**

**The Honorable Phillip D. Lowe
327A Blatt Bldg.
Columbia, South Carolina 29201**

**STATE OF SOUTH CAROLINA
HOUSE LEGISLATIVE ETHICS COMMITTEE**

COMPLAINT FORM

**HOUSE LEGISLATIVE ETHICS
COMMITTEE**

In the matter of:

**NIMRATA "NIKKI" R. HALEY
Candidate/member of the House of
Representatives, Dist. #87, 2005-2010**

AFFIDAVIT FORM

COMPLAINANT: John S. Rainey

ADDRESS: 402 Boulevard
Anderson, South Carolina 29621

TELEPHONE NUMBER: 864-225-2131

TITLE: Attorney, private citizen

RESPONDENT: Nimrata "Nikki" R. Haley

ADDRESS: Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201

TELEPHONE NUMBER: 803-734-2100

TITLE: Governor

- (1) State the clear, detailed facts upon which you base your complaint against the above-named respondent. (If additional space is needed, attach supplemental sheets.)**

Please see, attached as **Exhibit A**, a civil complaint filed in the Richland County Court of Common Pleas. This Complaint sets forth with specificity the facts and law at issue in this Complaint.

In short, it alleges that while a member of the House of Representatives, then-Representative Haley violated the law by (1) lobbying a state agency while a member of the House; (2) failing to disclose that her reason for recusing herself from voting on legislation was because the legislation's beneficiary was secretly paying her; (3) failing to abstain from a self-interested vote on another piece of legislation authorizing payment of public money to a corporation paying her; and (4) using her public office to obtain an economic benefit for her employer by soliciting money from registered lobbyists and lobbyists principals. All of this conduct was unknown to the public until the end of her service in the House or after she had left the House because Respondent made false and misleading public disclosures that failed to give accurate, full, and complete information to the public as required by law.

This lawsuit has been dismissed by the Honorable Casey Manning, Circuit Court Judge,

(2) Set forth all applicable House Rules and/or Statutory Code sections alleged to have been violated by the respondent.

See Exhibit A.

(3) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

Michael J. Biediger, CEO, LMC
Tod Augsburg Chief Operating Officer, LMC
Tim James, Vice President/Executive Director of LMCF
Anthony J. Meyer, Jr., Vice President of LMCF
Dena Howard, Executive Assistant for LMC's Administration,
Erin Pope, staff member, LMC
Lexington Medical Center
2720 Sunset Blvd.
West Columbia, SC 29169
(803) 791-2000

Thad Westbrook, former Chairman of the Lexington Health District Board of Directors
Nelson Mullins
Meridian, 17th Floor
1320 Main Street
Columbia, SC 29201
(803) 255-5568

Dan Jones, former lobbyist, now Chairman of Lexington Health District
PO Box 12244
Columbia, SC 29211
803-253-8665

William D. Boan, LMC lobbyist
1122 Lady Street, #850
Columbia, SC 29201
803-251-2300

Vicki C. Parker, LMC lobbyist
PO Box 12244
Columbia, SC 29201
803-771-1507

David Summer, attorney for LMC
Parker Poe
1201 Main Street, Suite 1450

Columbia, SC 29201
(803) 253-8910

Other persons named in the complaint may also have relevant information.

- (4) State with specificity, the dates, places, and times at which or during which such allegations took place.**

See Exhibit A.

- (5) State the names of any persons present during such alleged actions or possessing evidence of such alleged actions.**

See Exhibit A.

-
- (6) Set forth a list of and provide a copy of any documents related to your complaint regarding the respondent.**

See documents attached to the Complaint and included as part of **Exhibit A.**

- (7) State any other facts that you feel are pertinent to the allegations against the respondent. (Use additional space if necessary.)**

Pursuant to a letter from Chairman J. Roland Smith to one of my attorneys in the Circuit Court litigation, attached as **Exhibit B**, I am aware that the Committee takes the position that S.C. Code Ann. § 8-13-320(10)(g) prohibits the willful release of confidential information. First, it is not clear to me that this code section, which is codified under the section dealing with the power of the State Ethics Commission, applies to this Committee.

However, assuming that it does, none of the information contained in this Complaint is confidential. This complaint has been filed in open court and is publically available at the Richland County Clerk's Office. Furthermore, all of the information contained in the Complaint was obtained from publically available sources or pursuant to the South Carolina Freedom of Information Act.

CERTIFICATION:

To the best of my knowledge and belief, the information herein is true, correct, and complete. If errors or omissions are subsequently determined to exist, this report will be amended.

John S. Rainey
Signature

Sworn to me this 19th day of March, 2012

Virginia N. Whitsett
Notary Public of South Carolina

My commission expires: 11/6/2016.

EXHIBIT A

(Complaint)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JOHN S. RAINEY

Plaintiff(s)

vs.

NIMRATA "NIKKI" R. HALEY

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2011-CP - 40-07854

(Please Print)

Submitted By: Richard A. Harpootlian

Address: P. O. Box 1090, Columbia, SC 29202

SC Bar #: 2725

Telephone #: 803-252-4848

Fax #: 803-252-4810

Other:

E-mail: rah@harpootlianlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- _____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Other (799) | Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☒ Other (699) | | | |
| ☐ Declaratory Judgment
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | | |

Submitting Party Signature: _____

Date: 11/17/11

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA,

COUNTY OF RICHLAND

JOHN S. RAINEY

Plaintiff,

vs.

NIMRATA "NIKKI" R. HALEY

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 11-CP-40-

JEANETTE W. MCGRINE
C.C.P. & G.S.

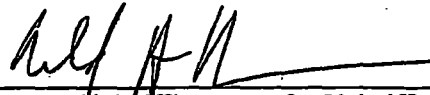
2011 NOV 17 AM 11:31

FILED
RICHLAND COUNTY

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina



Plaintiff/Attorney for Plaintiff

Dated: November 17, 2011

Address:

Richard A. Harpootlian
RICHARD A. HARPOOTLIAN, P.A.
P.O. Box 1090
Columbia, South Carolina 29202

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

JOHN S. RAINEY

Plaintiff,

v.

NIMRATA "NIKKI" R. HALEY

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 11-CP-40-_____

COMPLAINT FOR A
DECLARATORY JUDGMENT

JEANETTE W. MCBRIDE
C.C.P. & G.S.

2011 NOV 17 AM 10:15

FILED
RICHLAND COUNTY

STATEMENT OF CLAIMS

COMES NOW the Plaintiff, JOHN S. RAINEY, by and through his undersigned counsel, seeking a Declaratory Judgment against Defendant, NIMRATA "NIKKI" R. HALEY (HALEY), declaring whether HALEY's conduct during her service in the South Carolina House of Representatives (House) violated the law(s) of South Carolina governing the conduct of public officials. While serving in the House, HALEY exploited her public office for personal financial gain by trading on her influence and office to benefit corporations that were paying her money. HALEY, while a member of the House, lobbied the Department of Health and Environmental Control (DHEC) on behalf of her employer (Count IV), Lexington Medical Center (LMC), as documented by her own emails. On August 18, while LMC was pursuing authorization from DHEC for a new open-heart surgery center, a LMC employee to whom HALEY reported emailed Representative HALEY and asked "Was the heart ctr mtg today ? (sic) How did it go?" HALEY replied:

It went fine. We have some work to do not only to switch votes but to hold the ones we have. We are as close as we are going to get and can't afford to leave one stone unturned. We were all given assignments and are working on them.

Fingers crossed! (Emphasis added.)

HALEY also attended meetings with LMC lobbyists, attorneys, and executives to strategize how to win approval for the open-heart center from DHEC, a public agency. This complaint asks the Court to decide whether **HALEY** lobbied DHEC while a member of the House in violation of the prohibition against members of the General Assembly lobbying during their service. S.C. Code Ann. § 2-17-15(A) (Supp. 2010). (Count IV)

HALEY's conduct also violated South Carolina law by failing to disclose that she was recusing herself from voting on legislation in the House because Wilbur Smith and Associates (WSA), the beneficiary of the legislation, was secretly paying her. (Count II) S.C. Code Section 8-13-700(B) requires a member of the General Assembly with a conflict of interest to deliver a statement for publication in the Journal describing the nature of the conflict. **HALEY's** statement did not describe her conflict of interest and thus failed to inform the public that her secret employment by WSA was the reason she was not voting on the legislation. **HALEY** also failed to abstain from a self-interested vote by voting "YEA" on a bill that authorized the Department of Agriculture to settle a dispute with WSA and pay fees to WSA. (Count IIIA) A member of the House may not use her office to obtain an economic advantage for herself or a business with which she is associated. S.C. Code Ann. § 8-13-700(A) (Supp. 2010). Members with a conflict are required to disclose and abstain from voting. Instead of following the law, **HALEY**, cast a vote that authorized the Department of Agriculture to make payments to her secret employer, Wilbur Smith and Associates. This complaint asks the Court to decide whether **HALEY's** failure to disclose and failure to abstain in a self-interested matter violated South Carolina law governing the conduct of members of the House.

Also while a member of the House, **HALEY** used her public office to solicit lobbyists for

money for her other employer, Lexington Medical Center (Count IIIB). **HALEY** solicited and received thousands of dollars in contributions to Lexington Medical Center Foundation (LMCF) from lobbyists and their lobbyist principals. **HALEY's** solicitation of lobbyists occurred at the Statehouse, while the House was in session, as documented in her email updates to LMC staff. Lobbyists are people paid to influence public officials. But for **HALEY's** public office as a member of the House, LMCF would not have received thousands of dollars from lobbyists and lobbyist principals. This money ultimately benefitted **HALEY's** employer, LMC, since the primary use of LMCF money is to help pay for patient care by paying funds to LMC. Without this money LMC would either collect less or no fee from treating these patients. This complaint asks the Court to decide whether **HALEY** used her office as a member of the House to solicit money from lobbyists in order to obtain an economic benefit for her employer, Lexington Medical Center, a business with which she was associated as a paid employee. S.C. Code Ann. § 8-13-700(A).

Plaintiff and the citizens of South Carolina had no opportunity to discover **HALEY's** conduct because she habitually failed to make a full and complete disclosure in her annual Statements of Economic Interest. These omissions include failing to disclose income from Wilbur Smith and Associates (Count IA), misstating the source of her income as being from Lexington Medical Center Foundation (Count IA), and failing to disclose her business association with Lexington Medical Center's registered lobbyists (Count IB), among other inaccuracies and omissions. Plaintiff asks this Court to declare whether **HALEY's** conduct violates S.C. Code Section 16-9-10(A)(2) by willfully giving false, misleading, or incomplete information on public disclosure forms. Public officials are required to make "complete and effective disclosure" to ensure that "those who represent the people of this State [are] certain that

it is the interests of the people, and not their own, that are being served.” Ethics, Government Accountability, and Campaign Reform Act of 1991, Act 248, 1991 S.C. Laws 1578 [hereinafter “Ethics Act of 1991”].

Our Supreme Court has long recognized a citizen’s right to judicial process to decide a matter of great public importance necessary to provide future guidance. ATC South, Inc. v. Charleston County, 380 S.C. 191, 669 S.E.2d 337 (2008). Illegal acts by public officials constitute a matter of great public importance. See Baird v. Charleston County, 333 S.C. 519, 531, 511 S.E. 2d 69, 75 (1999); see also Sloan v. School Dist. Of Greenville County, 342 S.C. 515, 523, 537 S.E.2d 299, 303 (2000) (holding plaintiff had standing as citizen and taxpayer: “Public policy demands a system of checks and balances whereby taxpayers can hold public officials accountable for their acts.... Taxpayers must have some mechanism of enforcing the law.”) (citation omitted). The laws at issue in this case were passed to make public officials accountable in order to ensure the “honest and fair” deliberation of public policy “free from all threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded.” Ethics Act of 1991, supra. Plaintiff requests that this Court decide this matter because there is no greater matter of public importance than the public’s right to honest and fair service from its public officials and because this Court’s declaration will provide considerable guidance to the public and its public officials going forward about whether the conduct alleged below violates the law(s) of South Carolina. “Citizens must be afforded access to the judicial process to address alleged injustices.” Sloan v. Sanford, 357 S.C. 431, 434, 593 S.E.2d 470, 472 (2004). This case raises serious allegations of injustices to the public trust. Plaintiff respectfully shows unto the Court as follows:

PARTIES

1. Plaintiff, **JOHN S. RAINEY**, (Plaintiff) is a citizen and taxpayer of the state of South Carolina residing in Kershaw County and brings this action as a citizen and taxpayer.

2. Defendant, **NIMRATA "NIKKI" R. HALEY**, now the Governor of South Carolina, is brought before the jurisdiction of this Court in her personal capacity for a declaration of whether her conduct while a member of the South Carolina House of Representatives was unlawful in one or more of the ways set forth below.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to S.C. Code Section 15-53-20, as amended. Declaratory relief is appropriate because the matter before this Court is one of great public importance and this Court's declaration will provide future guidance to the public and public officials about the lawful standard of conduct for an elected official.

4. Venue in Richland County is proper pursuant to S.C. Code Sections 15-7-30(C)(1) and (2). Based upon a review of Defendant's most recent Statements of Economic Interest filing, **HALEY** is presently domiciled in Richland County, South Carolina. Many of the acts and omissions giving rise to this complaint occurred in Richland County where **HALEY** was employed by the State of South Carolina as a member of the House. Defendant was subject to the laws at issue in this action as a result of her employment and her service at the Statehouse located in Richland County. **HALEY** made public filings at issue in this complaint in Richland County. **HALEY's** votes and abstentions on the floor of the House, at issue in this complaint, occurred in Richland County. Many of **HALEY's** illegal solicitations of lobbyists occurred in Richland County. Finally, **HALEY's** acts and omissions at meetings of South Carolina administrative agencies occurred in Richland County.

STATEMENT OF FACTS

5. **HALEY** was elected to the House on November 2, 2004 and began serving in January 2005. She was reelected in 2006 and 2008 and continued to serve until 2010 when she was elected Governor. At all times relevant to this action, **HALEY** was a member of the House. As a member of the House, **HALEY's** conduct was regulated by criminal ethics laws governing member conduct.

6. While a member of the House, **HALEY** was secretly employed by Wilbur Smith and Associates (WSA) from approximately 2007 until 2009.

7. WSA is a civil engineering company that sought, was awarded, and performed contracts with the State of South Carolina and her administrative agencies. Over the 2007 to 2009 period, WSA received contracts totaling more than three hundred and seventy-five thousand (\$375,000) dollars from the South Carolina Department of Transportation (SCDOT) alone. As of 2010, WSA had become one of SCDOT's largest contractors with over twelve million (\$12,000,000.00) dollars in contracts.

8. In August 2005 the South Carolina Department of Agriculture (DOA) entered into a contract with WSA to provide engineering services for the relocation of the State Farmers Market from its then-current site in Richland County to a new site in Richland County. The State Farmers Market project (Project) resulted in substantial cost overruns and delays and eventually became the subject of a legislative battle between Richland and Lexington counties for reconsideration of the final relocation site. In late 2007, a dispute also arose between the DOA and WSA over the cost of the Project, which had risen from thirty million (\$30,000,000) dollars to forty-six million (\$46,000,000) dollars, with four million (\$4,000,000) dollars in public money paid to WSA and other contractors. The General Assembly canceled the Richland site relocation

in April 2008 in favor of a new site in Lexington County. The General Assembly also authorized DOA to cancel the agreement with WSA and pay outstanding claims. The dispute between DOA and WSA ultimately resulted in an agreement between the parties settling all outstanding fees.

9. **HALEY's** employment by WSA remained undisclosed to the public until on or about June 18, 2010, less than one week before the Republican Primary runoff election for Governor. **HALEY's** secret employment by WSA was only revealed after she agreed to allow members of the South Carolina press to review her income tax filings. Public reports on those documents indicate that **HALEY** earned thirty thousand (\$30,000) dollars in 2007, ten thousand (\$10,000) dollars in 2008, and two thousand (\$2,000) dollars in 2009 from WSA. (Exhibit A, Robert Ferrell, WSA's Director of Southeast Development, said **HALEY** was hired because she had "good contacts" and was "a very connected woman.") It is unclear when **HALEY** began and ended her work on behalf of WSA.

10. Also while a member of the House, **HALEY** was employed by Lexington Medical Center (LMC) from August 11, 2008 until April 23, 2010.

11. LMC is a public, non-profit hospital organized and administered by the Lexington County Health Services District. The Lexington County Health Services District is a public body organized by the County of Lexington. LMC also has an associated charitable foundation called the Lexington Medical Center Foundation (LMCF). The primary purpose of the LMCF is raise money for patient care at LMC.

12. **HALEY** did not disclose her WSA employment when she applied for a job at LMC. **HALEY** told LMC her last employer was Exotica (a clothing store owned by her parents) and that she earned an annual salary of one hundred and twenty-five thousand (\$125,000) dollars, a claim that contradicts public media reports (Exhibit B) on **HALEY's** federal income

tax return for 2007 that claims she earned twenty-two thousand (\$22,000) dollars from Exotica. **HALEY's** employment with LMC ended unamicably in 2010 after LMC attempted to place **HALEY** on leave (Exhibit C). **HALEY** refused (Exhibit D) and her employment was eventually terminated pursuant to a settlement (Exhibit E) negotiated by lawyers for **HALEY** and LMC.

13. About the time of **HALEY's** employment by LMC, the LMC was embroiled in an effort to obtain a Certificate of Need (CON) from the Department of Health and Environmental Control (DHEC) for a new open-heart surgery center. Prior to **HALEY's** employment by LMC, in 2004, LMC applied to DHEC for a CON. LMC's CON bid was opposed by other hospitals, particularly Providence Hospital and Palmetto Richland Hospital, both in Richland County. The Richland hospitals opposed LMC's new heart center because they believed the market would not support another heart center and that a reduction in the number of procedures performed at the existing heart centers would reduce the quality of care for the region. This resulted in significant legislative debate between the Richland and Lexington county delegations, each of which supported their constituents' respective positions.

14. LMC's 2004 bid for a CON was denied on October 22, 2004. Despite their unsuccessful bid to obtain a CON, LMC continued to pursue an open-heart surgery center through a variety of strategies including lobbying for legislative repeal of the CON regime, administrative law court proceedings, and lobbying for administrative action by DHEC. LMC eventually negotiated a deal with Providence Hospital that allowed it to obtain a heart center. Pursuant to this deal, LMC received a CON from DHEC on June 2, 2010.

15. As such, both WSA and LMC were entities with substantial economic interests with the state of South Carolina.

16. Upon information and belief, HALEY's acts and omissions on behalf of and pursuant to her employment by WSA and LMC may have violated criminal ethics laws governing the conduct of individuals elected to serve the people of South Carolina. Plaintiff asks this Court for a declaration with respect to each cause of action set forth below.

I. FIRST CAUSE FOR DECLARATORY RELIEF:
FALSE/MISLEADING DISCLOSURES MADE UPON PAIN OF PERJURY

17. Plaintiff incorporates Paragraphs 1 -16 as set forth verbatim herein.

18. Plaintiff respectfully requests that this Court declare whether HALEY violated the law by (A) making false and/or misleading disclosures subject to pain of perjury by filing false statements of economic interest and (B) by failing to disclose regulated associations with registered lobbyists.

IA. FILING FALSE STATEMENTS OF ECONOMIC INTEREST

19. As a member of the House, HALEY had a duty to disclose "full and complete" information in an annual Statement of Economic Interest (SEI) disclosure. S.C. Code Ann. § 8-13-1110 et seq. Section 8-13-1120(A)(1) requires a full and complete disclosure of the name and address of the filer's workplace. Section 8-13-1120(A)(8) requires a full and complete disclosure of the name, address, and amount paid, when a public official receives "compensation from an individual or business which contracts with the governmental entity with which the public official [...] serves or is employed." Section 8-13-1120(A)(2) requires full and complete disclosure of "the source, type, and amount or value of income [...] received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period." "'Governmental entity' means the State, a county, municipality, or political subdivision thereof with which a public official, public member, or public employee is associated or

employed." S.C. Code Ann. § 8-13-100(17) (Supp. 2010).

20. Public news reports on the contents of **HALEY's** federal income tax return reported that she received \$42,500 in income from Wilbur Smith and Associates (WSA) from 2007 to 2009. (Exhibit A).

21. Before, during, and after **HALEY's** employment by WSA, WSA contracted with the State of South Carolina and her administrative agencies, such as the Department of Agriculture and the Department of Transportation, and was paid substantial sums of public monies.

22. **HALEY** served and was employed by the State of South Carolina as a member of the House at the same time she was employed by WSA.

23. **HALEY** never disclosed her WSA income on her SEI (Exhibit F).

24. On her 2009 and 2010 SEI disclosures (Exhibit F), **HALEY** listed "Lexington Medical Foundation" as a source of income and benefits.

25. **HALEY** was at all times employed by LMC, not the Foundation, as evidenced by documents bearing her signature, such as her employment offer, job application, confidentiality agreement, and acknowledgement of employee policies (collectively, Exhibit G). Additionally, **HALEY's** SEI claims "Lexington Medical Foundation" paid her one hundred and ten thousand (\$110,000) dollars in both 2008 and 2009.

26. **HALEY's** federal income tax returns for these years, as publicly reported, (Exhibit H) are inconsistent with her earning one hundred and ten thousand (\$110,000) dollars

each year from LMC.¹

27. **HALEY's** 2011 SEI disclosure also evidences knowledge that her 2009 and 2010 disclosures are false and/or misleading. Her 2011 SEI lists, correctly, "Lexington Medical Center" as the source of income and benefits.

28. LMC, a non-profit corporation organized under the Lexington County Health Services District, is a governmental entity. As such, **HALEY** was required to make full and complete disclosure of the name, address, and amount of compensation paid to her by the LMC.

29. It is a crime to "willfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State." S.C. Code Ann. § 16-9-10(A)(2), as amended.

30. The purpose of a Statement of Economic Interest Disclosure is to inform the public of economic interests influencing public officials. The public had no knowledge of **HALEY's** secret Wilbur Smith and Associates employment even though **HALEY's** 2007 WSA income, thirty thousand (\$30,000) dollars, was her largest source of household income. **HALEY** also incorrectly reported the name of her employer as Lexington Medical Center Foundation rather than Lexington Medical Center. Finally, **HALEY** misstated her actual LMC income.

31. Plaintiff asks this Court to decide whether conduct such as **HALEY's** violates Section 16-9-10(A)(2).

IB. FAILURE TO DISCLOSE ASSOCIATIONS WITH LOBBYISTS

32. S.C. Code Ann. § 8-13-1120(A)(7)(b) requires a full and complete disclosure of the name of any lobbyist who is an individual with whom the filer is associated;

¹ **HALEY's** tax returns are also inconsistent with her LMC job application. On her job application, **HALEY** reported that she earned a one hundred and twenty-five thousand

33. Lexington Medical Center (LMC) is a registered lobbyist principal that employed registered lobbyists in 2008, 2009, and 2010.

34. HALEY knew LMC's lobbyists William D. Boan (Boan) and Vicki C. Parker (Parker) as evidenced by a 2007 LMC letter to HALEY (Exhibit I), when she served on the Lexington Medical Center Foundation Board. HALEY also attended scheduled meetings (Exhibit J) with Boan and Parker during her employment by LMC.

35. HALEY's employment by LMC constituted an "association" under Section 8-13-1120(A)(7)(b) that she was required to disclose on her SEIs.

36. HALEY did not disclose her association with Boan and Parker on any of her SEIs (Exhibit F).²

37. HALEY's 2009, 2010, and 2011 SEI disclosures prevented the public from making an informed decision about HALEY's actions as they related to the LMC lobbyists she was associated with through their mutual employer.

38. Plaintiff asks this Court to decide whether conduct such as HALEY's—a failure to disclose a business association with lobbyists—is a violation S.C. Code Ann. § 16-9-10(A)(2).

II. SECOND CAUSE FOR DECLARATORY RELIEF:
FAILURE TO PROPERLY DISCLOSE A CONFLICT OF INTEREST

39. Plaintiff incorporates Paragraphs 1 - 38 as set forth verbatim herein.

40. Plaintiff respectfully requests that this Court declare whether HALEY violated the law by failing to properly disclose a conflict with her official duty in the manner required by

(\$125,000.00) dollar salary from Exotica (Exhibit G).

² HALEY may have listed "Lexington Medical Foundation" as the source of her income in 2008 and 2009 in an effort to avoid disclosing her association to Boan and Parker. However, even when HALEY correctly lists "Lexington Medical Center" as the source of her income on her 2011 SEI, she still fails to disclose the association with LMC's lobbyists.

law.

41. Members of the General Assembly are prohibited from making a governmental decision in which the member or a business with which she is associated has an economic interest. S.C. Code Ann. § 8-13-700(B) (Supp. 2010).³ A member with a conflict of interest is required to "prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision." S.C. Code Ann. § 8-13-700(B)(1) (emphasis added). The member must deliver a copy of the statement to the presiding officer for publication in the appropriate journal. S.C. Code Ann. § 8-13-700(B)(2).

42. As set forth above, from approximately 2006 to 2008, HALEY was secretly employed by WSA.

43. In 2007, the State Farmers Market Relocation Project, previously awarded to WSA, was behind schedule and over budget. In June 2007, the General Assembly passed a fifteen million (\$15,000,000) dollar budget proviso to fund the continuation of the Project as part of the 2007-2008 Budget. Act No. 117, 2007 S.C. Acts 751. Governor Mark Sanford vetoed the proviso. The House overrode Governor Sanford's veto and authorized the additional money for the Project. *Id.* The money was used to pay WSA for their ongoing work on the Project.

44. HALEY abstained from voting to override Veto 74 and entered a statement into the House Journal. HALEY's statement (Exhibit K) said:

In accordance with Section 8-13-700(B) of the S.C. Code, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of

³ This Section and Sections 2-17-50, 8-13-100, and 8-13-1510 have since been amended by Act. No. 40, 2011 S.C. Acts ___, to replace "immediate family" with "family member" and modify the penalties for violating the Ethics Act. The 2011 amendments do not affect any provision at issue in this matter. Plaintiff stipulates that the pre-2011 version of the statute is what is relevant in this case.

interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is [check applicable reasons(s)]:

- a. A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code Section 8-13-700(B).
- b. A potential conflict may exist under S.C. Code Section 8-13-740(C) because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.
- c. A potential conflict may exist under S.C. Code Section 8-13-745(C) because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Nikki Haley

45. **HALEY's** written statement fails to describe the matter and describe the nature of her potential conflict of interest: her employment by WSA. Disclosure that WSA is paying **HALEY** would inform the public of her interest in the matter and her reason for not fulfilling her official duty – voting as a member of the House.

46. Plaintiff asks this Court to decide whether **HALEY** properly disclosed a conflict of interest as required by S.C. Code Ann. § 8-13-700(B).

III. THIRD CAUSE FOR DECLARATORY RELIEF:
USE OF PUBLIC OFFICE TO OBTAIN ILLEGAL ECONOMIC BENEFIT

47. Plaintiff incorporates Paragraphs 1 - 46 as set forth verbatim herein.

48. The South Carolina ethics law imposes a number of regulations on member conduct to prevent members from abusing their office for personal economic gain. A member of the House is prohibited from knowingly using her office to obtain an economic benefit for a

business with which she is associated. S.C. Code Ann. § 8-13-700(A) (Supp. 2010). A member of the House may not solicit or receive money or any other thing of value from a lobbyist. S.C. Code Ann. § 2-17-80(B). A member may not "directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person" in return for being influenced in the discharge of official duties. S.C. Code Ann. § 8-13-705(B).

49. Plaintiff requests that this Court declare whether conduct such as **HALEY's** violates these laws by (A) voting to provide an economic benefit to an associated business and (B) using public office to solicit lobbyists for money thereby obtaining an economic benefit to an associated business.

IIIA. ILLEGALLY VOTING TO BENEFIT AN ASSOCIATED BUSINESS

50. Several months after the General Assembly overrode Governor Sanford's veto of a budget proviso authorizing more money to the State Farmers Market relocation project, the General Assembly reconsidered the matter. On April 9, 2008, the House voted to supersede the previous budget proviso and directed the Department of Agriculture (DOA) to cancel the Richland County Project in favor of a new site in Lexington County. Act No. 240, 2008 S.C. Acts ii. Another company received the contract for the Project at the new Lexington County location. Prior to this new law, DOA was already engaged in a dispute with Wilbur Smith and Associates (WSA) because the project was behind schedule and over budget.

51. While still secretly employed by WSA, **HALEY** voted "YEA" on R. 240 (Exhibit L).

52. Even though, WSA lost the contract for the Project, WSA had an interest in the legislation because it authorized DOA to "resolve any related disputes," like the dispute between

DOA and WSA over fees paid to WSA. Pursuant to this authorization, DOA entered into a settlement agreement (Exhibit M) whereby WSA made a partial refund of forty thousand (\$40,000) dollars, but kept all other disputed payments.

53. **HALEY** was "associated" with WSA pursuant to her employment, albeit unbeknownst to the public. WSA received an economic benefit from the resulting settlement in the form of fees it collected and retained.

54. **HALEY** knew WSA had an economic interest in this legislation because she previously abstained from voting to override Veto 74, which authorized the additional money for the Project several months earlier.

55. Plaintiff asks this Court whether conduct such as **HALEY**'s vote violates Section 8-13-700(A).

IIIB. SOLICITATION OF LOBBYISTS AND USE OF OFFICE TO SOLICIT CONTRIBUTIONS FROM LOBBYISTS

56. As a LMC employee, **HALEY** solicited contributions on behalf of the LMCF. **HALEY** worked on several fundraising events to raise funds for LMCF.

57. **HALEY** solicited registered lobbyists for money from their principals on behalf of LMCF. Upon information and belief, many of these solicitations occurred on the grounds of the Statehouse and/or while **HALEY** conducted official business as a member of the House.

58. On September 29, 2008, **HALEY** emailed Anthony J. Meyer, Jr. (Meyer), Vice President of LMCF (Exhibit M). **HALEY** said, "I have some calls out working on these sponsorships and will try to get some confirmation this am (sic). Did Time Warner do anything? I was going to call Dan but wanted to check with you first." **HALEY** is referring to Dan Jones (Jones) who, at that time, was a registered lobbyist for Time Warner Cable, a lobbyist principal.

Meyer responded that he hoped to secure a larger contribution than what Jones had previously given to LMCF and asked, "would a call from you be better than one from me?" **HALEY** replied, "I will call him." She later emailed Meyer saying, "Done." Later that day, Meyer emailed **HALEY** a list individuals and corporations who had been solicited to make contributions (**Exhibit O**). This list included lobbyist principals Michelin North America, Time Warner Cable, and BlueCross BlueShield of South Carolina (**BCBSSC**).

59. On August 12, 2009, Kim Wellman, Assistant Vice President for Corporate Communications at **BCBSSC** emailed Erin Pope at LMC/LMCF and courtesy copied **HALEY** to request information necessary to process a contribution to LMCF (**Exhibit P**). Upon information and belief, **HALEY** solicited this contribution.

60. On September 25, 2009, **HALEY** emailed Tim James (James), Vice President/Executive Director of LMCF, to report on her activities for the week, which included "Conversations" with Ben Arnold Distributors, a lobbyist principal (**Exhibit Q**).

61. On December 15, 2009, **HALEY** emailed James asking whether a fundraising event headlined by former Speaker of the House and Ambassador to Canada David Wilkins (Wilkins event) is a "go" so she can begin gathering sponsorships (**Exhibit R**).

62. On January 4, 2010, **HALEY** emailed James to inform him that Ben Arnold agreed to contribute wine and spirits for the Wilkins event (**Exhibit S**).

63. On January 7, 2010, **HALEY** emailed James (**Exhibit T**) to inform him that she will be unable to attend some scheduled meetings once the legislative session begins but that she "will always send emails letting you know status updates as they occur. I have been on the phone with sponsors and am trying to close our major sponsor for the event." (Emphasis added.)

64. On January 11, 2010, **HALEY** emailed James and others (**Exhibit U**) and said,

"We got AT&T for \$10k." AT&T is a lobbyist principal. On Tuesday, January 12, 2010, at 2:21 p.m., presumably while **HALEY** was at the Statehouse in her official capacity as a member of the House, she emailed James and others (**Exhibit V**) and said, "We just got Time Warner's sponsorship at \$5k. Erin, contact Dan Jones." As previously stated, Time Warner is a lobbyist principal that employed, at that time, Jones as their lobbyist.

65. On January 18, 2010, **HALEY** emailed James and others (**Exhibit W**) and said, "Just signed CFSA for \$5k." Upon information and belief, CFSA is the Community Financial Services Association, a lobbyist principal.

66. On Tuesday, January 19, 2010 at 10:46 a.m., **HALEY** emailed James, Tony Payne (Payne), Development Manager for LMCF, and Erin Pope (Pope), a LMC employee, (**Exhibit X**) a list of contacts she had made to solicit contributions. The list included Tony Denny, a registered lobbyist, and AT&T, BCBSSC, and Michelin North America, all lobbyist principals with interests before the General Assembly. Later that day, Payne emailed the LMCF Board (**Exhibit Y**) announcing the Wilkins event and corporate sponsorships by AT&T, Time Warner, CFSA, and Ben Arnold, all solicited by **HALEY**.

67. On Tuesday, January 26, 2010 at 4:05 p.m., **HALEY** emailed James, Payne, and Pope an update of money raised (**Exhibit Z**) and said, "Still waiting on others to process paperwork. Erin, I am pushing as hard as I can to get (sic) Presenting sponsor." On January 27, 2010 at 3:16 p.m., **HALEY** emailed James, Payne, and others (**Exhibit AA**) and said, "I just got Blue Cross Blue Shield as our presenting sponsor for Ambassador Wilkins at \$20k." Upon information and belief, the House was in session at or about the time when **HALEY** was "pushing as hard as" she can to get BCBSSC money and when she finally secured the commitment.

68. A review of LMCF's donor list during the period of HALEY's employment (Exhibit BB) indicates that LMCF received contributions from other lobbyists or lobbyist principals while HALEY was raising money as a LMC employee. Many of these contributors appear to have little or no connection to LMC/LMCF or the medical industry. Their sole connection to LMC/LMCF appears to be their shared status as lobbyist or lobbyist principals with business at the Statehouse. These contributors include:

- a. Time Warner Cable contributed \$5,000 on 11/11/2008, \$5,000 on 6/25/09, and \$5,000 on 3/11/10;
- b. BlueCross BlueShield of SC contributed \$10,000 on 11/11/08, \$20,000 on 9/1/09, and \$20,000 on 3/16/10;
- c. Comporium contributed \$500 on 11/11/2008 and \$1,000 on 2/24/2010;
- d. Mid-Carolina Electric Cooperative contributed \$10,000 on 12/11/2008;
- e. AT&T contributed \$2,500 on 12/16/08, \$10,000 on 3/29/10, and \$5,000 on 4/23/10;
- f. Check into Cash of South Carolina contributed \$5,000 on 5/11/2009 and \$2,500 on 2/19/2010;
- g. Michelin of North America contributed \$1,000 on 5/12/09;
- h. Advance America contributed \$5,000 on 5/12/2009 and \$2,500 on 2/19/2010;
- i. Bank of America contributed \$1,000 on 5/21/2009;
- j. Tony Denny contributed \$1,000 on 6/8/2009;
- k. Bristol-Myer Squibb Foundation contributed \$500 on 6/23/09;
- l. Dan E. Jones contributed \$1,000 on 9/23/2009;

m. South Carolina Credit Union League contributed \$500 on 3/4/10.

69. At all relevant times, **HALEY** was associated with LMC as a paid employee and a member of the House. Lobbyists are paid to influence and persuade members of the General Assembly to take official action that benefits their clients. In recognition of this potential conflict of interest, ethics law prohibits a member of the House from soliciting or receiving money or any other thing of value from a lobbyist. S.C. Code Ann. § 2-17-80(B).

70. By soliciting funds from lobbyists, in several instances while at the Statehouse, **HALEY** benefitted from the inherent coercive power of her official capacity as a member of the House and the lobbyists' real or perceived need to please **HALEY**. Upon information and belief, several of the lobbyist principals that contributed to LMCF had no prior relationship with LMC or LMCF or any affinity for its charitable purpose. Consequently, but for **HALEY's** status as a member of the House, LMCF is unlikely to have received the financial support of the above named lobbyist principals. A lobbyist making a contribution, personally or through their principal, in response to **HALEY's** solicitation could reasonably believe that they would receive favorable treatment from **HALEY** in the future.

71. A member of the House may not solicit or receive anything of value for himself or for another person in return for being influenced in the discharge of official duties. S.C. Code Ann. § 8-13-705(B).

72. Both **HALEY** and a business with which she was associated benefitted from her ability to solicit funds from persons with business before the House. Funds raised by LMCF are used to defray the cost of treating LMC patients who are unable to pay LMC for medical care. LMCF contributions solicited by **HALEY** were used to compensate LMC for services they would not otherwise be able to collect a fee for. This is an economic benefit to LMC, a business

that employs **HALEY**. A member of the House may not use her office for financial benefit of either herself or an associated business. S.C. Code Ann. § 8-13-700(A).

73. Plaintiff asks this Court to decide whether conduct such as **HALEY's** violates Sections 2-17-80(B), 8-13-700(A), and 8-13-705(B) by soliciting lobbyists for money, soliciting money in exchange for being influenced to discharge official duties as a member of the House, and using her office to obtain an economic benefit for herself and/or an associated business by soliciting money for that business.

IV. FOURTH CAUSE FOR DECLARATORY RELIEF:
ENGAGING IN LOBBYING WHILE A MEMBER OF THE HOUSE

74. Plaintiff incorporates Paragraphs 1 - 73 as set forth verbatim herein.

75. As stated, above, LMC pursued a number of strategies to obtain a Certificate of Need (CON) that would allow it to build a new open-heart surgery center. Richland County hospitals opposed LMC's effort to obtain a CON.

76. Pursuant to one of these strategies, LMC sought a "single county exception" in the State Health Plan as a means to obtain authorization for a new heart center, without having to obtain a CON. On December 17, 2007, LMC, through it's CEO, Michael J. Biediger (Biediger), proposed an amendment (Exhibit CC) to the 2008 State Health Plan that would grant LMC a single county exception to build a new heart center. This amendment went before the State Health Planning Committee on June 27, 2008, which decided the issue adversely to LMC. LMC appealed the propriety of the State Health Planning Committee's vote to the Attorney General and the DHEC Board of Directors. Both the Attorney General and the DHEC board agreed the Planning Committee's vote was improper and sent the Cardiac section of the plan to the planning committee for a revote. On August 14, 2008, Melinda Kruzner emailed LMC's executive team

and board members, including Biediger and Meyer, to relay the news (**Exhibit DD**). Meyer received Biediger's email and forwarded it to Pope with instructions to send it to **HALEY**.

77. On August 18, 2008, **HALEY** emailed Meyer about a gift she was soliciting from Michelin North America (**Exhibit EE**). Meyer responded by asking "Was the heart ctr mtg today ? (sic) How did it go?" Haley replied:

It went fine. We have some work to do not only to switch votes but to hold the ones we have. We are as close as we are going to get and can't afford to leave one stone unturned. We were all given assignments and are working on them. Fingers crossed! (Emphasis added.)

This email was sent from "nrhaley@lexhealth.org," **HALEY's** LMC email address.

78. **HALEY's** LMC email address also received a calendar invitation (**Exhibit J**) to a meeting on August 27, 2008 with Biediger, Boan, Parker, and "David" (presumably David Summer, a Parker Poe attorney who represents LMC). Upon information and belief, Boan and Parker were registered lobbyists working for LMC on obtaining a CON. Summer provided legal services to LMC in its bid to obtain a CON, including representing LMC at the June 27, 2008, DHEC meeting. As CEO of LMC, Biediger was intimately involved in advocating for LMC's CON.

79. On September 11, 2008, **HALEY** emailed Biediger (**Exhibit FF**) to tell him "I will be unable to make the DHEC mtg this morning. Please let me know how the vote goes today. My fingers are crossed." Biediger replied at 12:26 p.m., "Our amendment didn't pass this morning. I'll tell you more about it when I see you."

80. On September 25, 2008, Dena Howard, Executive Assistant for LMC's Administration, emailed **HALEY's** LMC and yahoo.com email addresses (**Exhibit GG**) and said:

We are trying to schedule a meeting for Tuesday morning to discuss the "Heart CON and Next Steps". (sic) What is your availability for Tuesday morning, 9/30? The others involved are: Nikki Setzler, Thad Westbrook – Chairman, David Summer, Tod Augsburg and Mike Biediger. Thanks much!!

Tod Augsburg is LMC's Chief Operating Officer. Thad Westbrook is a private attorney and, at that time, the Chairman of the Lexington Health District Board of Directors. Senator Nikki Setzler represents Lexington County in the South Carolina Senate.

81. A member of the House "may not serve as a lobbyist during the time the official holds office." S.C. Code Ann. § 2-17-15(A). A "lobbyist" is:

Any person who is employed by another person to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official on any state agency, board, or commission concerning any covered agency actions; or (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions. S.C. Code Ann. § 2-17-10(13) (emphasis added).

82. DHEC, its Board of Directors, and all of its sub-committees are state agencies and/or boards.

83. While employed by LMC, HALEY attended DHEC meetings about the LMC heart center; received assignments and worked to "switch" and "hold" votes; held meetings with LMC's executives, lawyer, and lobbyists – the people publicly known as LMC's paid advocates in the General Assembly – to discuss LMC's effort to influence DHEC; and exchanged emails with LMC executives about the status of LMC's attempt to influence DHEC. HALEY's email to Meyer on August 18, 2008, referencing "assignments" to "switch" and "hold" votes, also suggests that HALEY knew she was engaged in prohibited lobbying activity. In her reply to Meyer (Exhibit EE) she told Meyer that she is "available through my yahoo email as you need me," presumably in order to evade public review under the South Carolina Freedom of

Information Act.

84. Plaintiff submits and asks this Court to decide whether conduct such as **HALEY's** violates Section 2-17-15(A).

RELIEF SOUGHT

WHEREFORE, whether Defendant's conduct violated the ethics law(s) of this State is a matter of great public concern to Plaintiff and the people of South Carolina who are entitled to honest and fair service from their public officials; and WHEREFORE a Declaratory Judgment by this Court will offer future guidance to instruct the conduct of other public officials; and

WHEREFORE violations of these sections are misdemeanor and felony offenses punishable by fine and/or imprisonment, Plaintiff prays that this Court:

1. Enter a Declaratory Judgment as to each of the questions set forth above asking whether conduct such as the Defendant's violates the law(s) of South Carolina;
2. Grant other such relief as this Court deems just and proper.

[SIGNATURE PAGE FOLLOWS]

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Columbia, South Carolina

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June 22, 2010

Haley failed to reveal \$40,500 of income

John O'Connor

joconnor@thestate.com

Republican gubernatorial candidate Nikki Haley was paid \$40,500 - 20 percent of the family's income - by engineering firm Wilbur Smith Associates for consulting work the Lexington County state lawmaker performed in 2007 and 2008, according to tax records released Monday.

Haley was paid an additional \$2,000 by the firm in 2009, according to tax records she released last week.

Haley, who faces U.S. Rep. Gresham Barrett in a runoff today, has pushed to require lawmakers to report their income. She previously claimed that she voluntarily disclosed all her income and, when first asked by The State, was unaware the Wilbur Smith payments had not been disclosed on her state economic interest forms.

Barrett voluntarily released his 2009 returns on June 9, and turned over 2008 and 2007 returns last week after learning of the Wilbur Smith income. Members of Congress are required to file a detailed disclosure of all income and assets yearly.

"That Representative Haley failed to disclose \$40,500 in income from a company with numerous state government contracts is deeply troubling," said Barrett campaign manager Luke Byars. "Rather than being transparent with voters, she withheld that information until only hours before the polls open to avoid public scrutiny."

Haley has said she was not required to report the income under state law, and State Ethics Commission officials agreed because Haley is not directly employed by the company. In addition, the Ethics Commission said that, while Wilbur Smith has state contracts, it has no contracts with the S.C. House.

Members of the S.C. House Ethics Committee said she might be required to report the income if she was hired because of her legislative position, but executives with Wilbur Smith said that was not the case.

"Nikki disclosed everything she was supposed to," campaign manager Tim Pearson said in a statement.

Robert Ferrell, director of Southeast development for Wilbur Smith, said he knew Haley from the Lexington County Chamber of Commerce before she was elected. Ferrell said Haley was hired to refer Lexington development to Wilbur Smith for water, sewer and other engineering work.

"Periodically we hire folks who have good contacts," Ferrell said. "I have known her to be a very connected woman."



Haley failed to reveal \$40,500 of income, 2010 WLNR 12580366

Byars said it "raises a strong appearance of impropriety" that the company's only public reason for hiring her was for her connections.

Haley said last week that she did not support income disclosure when she first entered the Legislature but that she now believes if the public knows who pays their lawmakers, the public will better understand their policy decisions.

According to her tax returns, Haley and her husband, Michael, earned a combined \$64,142 in 2007.

That includes \$30,000 in consulting work for Wilbur Smith. The Haleys also reported a \$17,227 loss from Michael Haley's business, National Barter Co. The couple donated \$835 to charity.

— Index References —

Company: WILBUR SMITH ASSOCIATES INC

News Subject: (Government (1GO80); Legislation (1LE97); Local Government (1LO75))

Language: EN

Other Indexing: (CONGRESS; ETHICS COMMISSION; HOUSE ETHICS COMMITTEE; NATIONAL BARTER CO; STATE ETHICS COMMISSION; WILBUR SMITH; WILBUR SMITH ASSOCIATES) (Barrett; Byars; Ferrell; Gresham Barrett; Haley; Luke Byars; Members; Michael; Michael Haley; Nikki; Nikki Haley; Periodically; Robert Ferrell; Tim Pearson)

Keywords: (NT/NEC); (XC/any.company); (XC/any)

Word Count: 464

End of Document

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2010 WLNR 12462237

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June 19, 2010

Section: NEWS

Barrett, Haley debate consulting fee

June 19, 2010

tcsmith@greenvillenews.com

COLUMBIA — U.S. Rep. Gresham Barrett accused GOP gubernatorial front-runner Nikki Haley of "hiding" a \$2,000 consultant's fee in 2008, a charge Haley denies.

The flap arose five days before the runoff election that will determine whether Haley or Barrett is the GOP nominee for governor.

Haley, an accountant, released her tax returns following Barrett's release of his, and her 2009 tax return shows a \$2,000 consulting fee from a Columbia engineering company, Wilbur Smith. The money doesn't show up on her South Carolina statement of economic interest form for 2008 or 2009.

Barrett's campaign issued a statement calling on Haley to immediately report the income on her form and release more tax records and her contract with Wilbur Smith.

"Many questions have been raised by the revelation that Rep. Haley profited from a company that was doing business with the state," said Luke Byars, a spokesman for Barrett.

"It is time for Mrs. Haley to walk the walk on transparency and release these documents instead of hiding information from the citizens of South Carolina."

A spokesman for Haley said the information wasn't required to be reported because it is a consulting fee and criticized Barrett for negative campaigning.

"Nikki disclosed everything she was supposed to, and the Ethics Commission confirmed that today," said Tim Pearson, a spokesman for Haley.

Herbert Hayden, executive director of the state Ethics Commission, said that consulting fees aren't considered income under state ethics rules and don't need to be reported, according to The State newspaper. Only salary can be considered income, Hayden said, because it is paid directly to the employee by the employer.

"It's not income; she's not an employee of Wilbur Smith," Hayden said, noting consulting fees are passed through to Wilbur Smith's clients for payment.

In addition, Hayden said the firm that paid Haley has no contracts with the state House of Representatives, further removing any conflict of interest, The State reported. But Hayden said there is no reason lawmakers couldn't go above and beyond state ethics requirements, particularly when they have advocated that others do so.

Pearson said Haley "voluntarily disclosed income that she was not required to. But she does believe the state law should be made stronger and that every legislator should be required to disclose all of their income sources, which they are not presently required to do."

"It's regrettable that Congressman Barrett has broken his word to run a positive campaign in the waning days of this runoff, but Nikki is going to stay focused on the people and priorities of South Carolina."

--- Index References ---

Company: BARRETT AND CO INC

Region: (North America (1NO39); Americas (1AM92); South Carolina (1SO63); USA (1US73); U.S. Southeast Region (1SO88))

Language: EN

Other Indexing: (BARRETT; COLUMBIA; CONGRESSMAN BARRETT; ETHICS COMMISSION; GOP; GRESHAM BARRETT; HALEY; STATE HOUSE) (Haley; Hayden; Herbert Hayden; Luke Byars; Nikki; Pearson; Tim Pearson; Wilbur Smith)

Word Count: 431

End of Document

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State
Columbia, SC
Circ. 128564
From Page:
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3/16/2011
67012



01-124

EXCLUSIVE

What did Haley earn in 2007?

Her job application at Lexington Medical Center says \$125,000; her federal tax returns say \$22,000

By JOHN O'CONNOR
jocconnor@thestate.com

Then-state Rep. Nikki Haley's application for a job at Lexington Medical Center reported she earned \$125,000 a year — more than five times the amount that Haley, now S.C. governor, said she earned on her federal tax returns.

That application also said Haley expected to be paid that same amount — \$125,000 a year, according to hospital documents obtained in a public records request by The State.

Haley's federal tax returns show she was paid \$22,000 by her parents' clothing store, Exotica International, during 2007.

In 2008, Lexington Medical hired Haley, then under financial pres-

sure, for a \$110,000-a-year fundraising job; created specifically for her, despite her lack of fundraising experience.

Gov. Haley's chief of staff, Tim

Pearson, denied Tuesday that Haley misrepresented her earning record to Lexington Medical.

"It is illogical," he said. "It just doesn't make sense."

Haley's August 2008 application to become a fundraiser was included in more than 70 pages of records that Lexington Medical turned over to The State regarding Haley's employment from August 2008 until

April of last year.

The State requested the documents after a political blog said Republican activist and Haley critic John Rainey had requested information from Lexington Medical via a freedom of information act request.

Pearson noted the job application

ONLINE
To see now-Gov. Haley's Lexington Medical job application documents, go to thestate.com.

SEE HALEY PAGE A4

HALEY'S TRANSPARENCY

Gov. Haley's transparency in disclosing her financial records is a key component of her campaign for transparency in government. She has made her financial records available to the public, including her federal tax returns, her state financial disclosure statement, and her personal financial statement.

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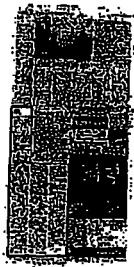
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EXHIBIT

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State
Columbia, SC
Circ. 128564
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67012



HALEY

FROM PAGE A1

document containing information about salary history and expectations, dated Aug. 5, 2008, is not hand-signed by the then-state representative from Lexington - as was as accompanying form authorizing a background check.

The document says the applicant's typed name or signature constitutes a signature, and includes details such as Haley's previous employers, their addresses and supervisors, and names and phone numbers.

Haley also hand-signed or initialed at least five other hiring documents in the records that Lexington Medical produced.

"She never said that she made \$125,000 from Exotica," Pearson said Tuesday, "and the application does not have her signature on it. ... The governor did not fill out the application that has her making \$125,000 a year."

"It is illogical that a single person would fill out two pieces of paperwork for the same job, on the same day, and only hand-sign one of them. It just doesn't make sense. She didn't sign it because she didn't fill it out."

Pearson also noted one page of the application did not include a file stamp, as the other pages did.

Efforts to reach hospital officials after business hours Tuesday were unsuccessful.

Haley's \$110,000-a-year job as fundraiser came under scrutiny during the campaign after the hospital told The State that it created the position for Haley, whose only prior work experience was working for her parents and a short stint accounting for a Charlotte recycling firm.

Haley was paid a higher salary than others in similar positions at nonprofits of similar size or geography, according to a salary survey compiled by the S.C. Associ-

ation of Nonprofit Organizations. Haley's \$110,000 salary was 63 percent higher than the highest fundraiser salary - \$67,500 - among organizations with budgets that are similar in size to the Lexington Medical Center Foundation. The average salary for the same position among those surveyed was \$44,195.

The hospital hired Haley as it tried to secure state approval to build a heart surgery center. Haley never voted on the center as a lawmaker after her hiring. The center was approved earlier this year.

Haley left the Lexington Medical position last spring, as she was ramping up her

campaign for the GOP nomination for governor. E-mails from that period show hospital executives were having difficulty consistently reaching Haley and asked her to take a leave of absence.

Haley refused, eventually hiring an attorney and negotiating a \$35,210 settlement with the hospital. Records show the hospital presented Haley with specific job duties in December 2009, which included attending regular foundation staff and hospital board meetings and spending at least 10 hours a week in the foundation's offices.

According to the Lexington Medical job application, Exotica International was Haley's most recent employer, with her ending salary at "\$125,000." A question about what Haley expected to be paid in her next post was answered "\$125,000."

Lexington Medical Center hired Haley for \$110,000 a year.

But according to federal tax returns that Haley allowed reporters to review during the campaign, she reported earning \$22,000 from Exotica for all of 2007 and earned similar amounts in 2006 and 2005. In the six years of tax records Haley allowed reporters to review, the most she ever reported earning from Exotica was

\$46,000 in 2004.

"We did not verify Nikki Haley's salary at Exotica," Lexington Medical spokeswoman Jennifer Wilson said. "The hospital knew her from her work in the community, and Exotica was a family business."

In September, Wilson said

the hospital sought no outside advice in setting Haley's salary. Wilson did not respond to a question about what role the pay reported on Haley's job application played in her Lexington Medical salary.

Haley's application makes no mention of her consulting work with or income from Wilbur Smith Associates, a Columbia engineering firm. Haley was paid \$42,500 between 2007 and 2009 by the firm.

Haley has proposed lawmakers and state officials disclose their income sources, including consulting work, but did not reveal her consulting income until asked by the media.

Wilson said Haley's work with Wilbur Smith would not have affected the hospital's decision to hire the then-state representative.

At the time that Lexington Medical hired Haley, her family's income was stretched.

Tax records show Haley and her husband, Michael, had significant swings in income, with Michael Haley's bartering business losing more than \$20,000, combined, in 2006 and 2007.

In 2006, the family reported a total income of \$40,269, half going to pay the interest on their \$289,000 home mortgage alone.

The Haleys also repeatedly filed and paid their income taxes late, accruing more than \$4,000 in interest and penalties.

Reach O'Connor at (803)
771-8358.



Post and
Courier
Charleston, SC
Circ. 110289
From Page:
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64009



County Haley records conflict

Job application salary differs from tax return

By JOHN O'CONNOR
Staff Writer

There is a discrepancy between the salary that County Executive Mike Haley reported on his job application for a job at Lexington Medical Center and the amount he reported on his tax return, according to a report by the Charleston Post and Courier.



The application also said Haley expected to be paid the same amount — \$125,000 a year — according to his most recent financial statement.

Haley's federal tax return shows that he earned \$72,000 in 2009, according to the Charleston Post and Courier.

In 2008, Lexington Medical Center paid Haley for a \$100,000 a year consulting job, which reportedly he did because he lacked funding for his own business.

Haley's chief of staff, Tim

Published 3/16/2011

Post and
Courier
Charleston, SC
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64009



Haley records conflict

HALEY From Page 1A

Pearson, denied Tuesday that Haley misrepresented her earning record to Lexington Medical.

"It is illogical," he said. "It just doesn't make sense."

Haley's August 2008 application to become a fundraiser was included in more than 70 pages of records that Lexington Medical turned over to The State regarding Haley's employment from August 2008 until April of last year.

The State requested the documents after a political blog said Republican activist and Haley critic John Rainey had requested information from Lexington Medical via a freedom of information act request.

Pearson noted that the job application document containing information about salary history and expectations, dated Aug. 5, 2008, is not hand-signed by the then-state representative from Lexington, as was an accompanying form authorizing a background check.

The document said the applicant's typed name or signature constitutes a signature, and includes details such as Haley's previous employers, their addresses and supervisors, and names and phone numbers of references.

Haley also hand-signed or initialed at least five other hiring documents in the records that Lexington Medical produced.

"She never said that she made \$125,000 from Exotica," Pearson said Tuesday, "and the application does not have her signature on it. ... The governor did not fill out the application

that has her making \$125,000 a year.

"It is illogical that a single person would fill out two pieces of paperwork for the same job, on the same day, and only hand-sign one of them. It just doesn't make sense. She didn't sign it because she didn't fill it out."

Pearson also noted that one page of the application did not include a file stamp, as the

other pages did.

Efforts to reach hospital officials after business hours Tuesday were unsuccessful.

Haley's \$110,000-a-year job as a fundraiser came under scrutiny during the campaign after the hospital told The State that it created the position for Haley, whose only prior work experience was working for her parents and a short stint doing accounting for a Charlotte recycling firm.

Haley was paid a higher salary than others in similar positions at nonprofits of similar size or geography, according to a salary survey compiled by the S.C. Association of Nonprofit Organizations.

Haley's \$110,000 salary was 63 percent higher than the highest fundraiser salary, \$67,500, among organizations with budgets that are similar in size to the Lexington Medical Center Foundation.

The average salary for the same position among those surveyed was \$44,195.

The hospital hired Haley as it tried to secure state approval to build a heart surgery center. Haley never voted on the center as a lawmaker after her hiring.

The center was approved this year.

Haley left the Lexington Medical position last spring, as she was ramping up her campaign for the GOP nomination for governor. E-mails from that period show hospital executives were having difficulty consistently reaching Haley and asked her to take a leave of absence.

Haley refused, eventually hiring an attorney and negotiating a \$35,210 settlement with the hospital.

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But according to federal tax returns that Haley allowed reporters to review during the campaign, she reported earning \$22,000 from Exotica for all of 2007 and earned similar amounts in 2006 and 2005.

In the six years of tax records



To see now Gov. Haley's Lexington Medical job application documents, go to thestate.com.

Haley allowed reporters to review, the most she ever reported earning from Exotica was \$45,000 in 2004.

Kathy Howell

From: Tim James
Sent: Friday, March 12, 2010 11:33 AM
To: Mike Biediger
Cc: Kathy Howell
Subject: Nikki Haley
Attachments: Image001.jpg
Mike-

Despite my constant efforts to have Nikki come in over the past three days, she has failed to come in to meet with me. (FYI) She knows the reason for the meeting, as we have talked about this several times in the past, as recent as two weeks prior to the Wilkins event, and I also referenced the reason for the meeting in my initial email to her on Wednesday.

Not to go into extreme details, but- she failed to respond to my inquiries on Wednesday, in this correspondence I stated that I (and Kathy Howell) would fully open our calendars to meet with her anytime between Wednesday and Friday. After not hearing from her all day Wednesday I then reinitiated contact with her on Thursday, where she later replied that she would take a look at her calendar for the following week and let me know. Well, I responded and requested anytime Thursday or Friday, and for her to call (as I was resorting to email knowing she was busy); however, in the end she has stated that she would not be able meet Thursday or Friday at anytime.

To me, this exemplifies that fact that a leave of absence is warranted, as her time does not allow for her to conduct the amount of work we should expect for LMC. Unless she responds or comes by today, our discussion will not take place until Monday.

My apology for this email, but I did not want you (or Thad) being under one impression, when in fact, and after constant requests, the meeting has not taken place.

Safe travels!

Tim

Timothy M. James
Vice President/Executive Director
Lexington Medical Center Foundation
803.791.2840



2/15/2011



RaineyProd 0018

Kathy Howell

From: Mike Biediger
Sent: Wednesday, March 31, 2010 6:55 PM
To: Tim James; Kathy Howell
Subject: RE: Follow-up
Let's discuss.

From: Tim James
Sent: Tuesday, March 30, 2010 9:56 PM
To: Mike Biediger
Subject: Fwd: Follow-up

FYI

Timothy M. James
Vice President & Exec. Director
Lexington Medical-Foundation
803-791-2340

Sent from my iPhone

Begin forwarded message:

From: nikki_haley@yahoo.com
Date: March 30, 2010 7:52:13 PM EDT
To: "Work: Tim James" <Tmjames@lexhealth.org>
Subject: Re: Follow-up
Reply-To: nikki_haley@yahoo.com

Tim,

Thank you for the email. First, let me say that you are misinformed when it comes to your statement that I "have not been working since our meeting on March 15." I sent an email when you decided to change the days of our staff meetings from Monday and informed you that I could do any morning Tuesday, Wednesday, or Thursday. I never heard back from you or Patti on the new staff days. I never stopped working.

My actions since the 15th have been entirely consistent with those since the commencement of my employment with Lexington Medical Center Foundation, in that I have performed all the duties required of me within the terms under which I was hired. I worked very hard to secure the funding for the Wilkins event and will continue to in the future.

Second, I do not choose to take annual leave, nor do I consent to "being placed on annual leave." As the conversations between attorneys you mentioned in your email have made abundantly clear, we did not come to the place where separation between the Foundation and me is the best option for all involved through any of my desires or actions.

2/15/2011



RaineyProd 0022

So, regretfully for me as well, this is an issue that will continue to be handled by our respective attorneys.

Thanks,

N-

Sent from my Verizon Wireless BlackBerry

From: "Tim James" <tmjames@lexhealth.org>

Date: Tue, 30 Mar 2010 13:00:10 -0400

To: <nikki_haley@yahoo.com>

Subject: Follow-up

Dear Nikki-

It is my hope that you and your family doing well!

The content within this email comes with despair; as it my understanding through correspondences between attorneys that you have made the decision to separate your employment from the Lexington Medical Center Foundation. I hope that you know, and I am sure you have been briefed by your counsel; it has long been our desire to retain your employment.

With that said, based upon discussions between attorneys, and appearing you have not been working since our meeting on March 15, 2010; we are extending the option of *paid time off* while this issue is resolved, or you may return to work under the terms outlined in the attached documents.

Therefore, effective tomorrow (March 31, 2010), you are being placed on annual leave until the issue at hand is resolved. However, if you prefer an unpaid leave of absence, or wish to return to work, please contact me to discuss.

Thank you

Tim

Timothy M. James
Vice President/Executive Director
Lexington Medical Center Foundation
803.791.2540
<[Image002.jpg](#)>

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2/15/2011

RaineyProd 0023

SEVERANCE AGREEMENT AND RELEASE
Between
LEXINGTON MEDICAL CENTER
And
NIMRATA NIKKI HALEY

A. INTRODUCTION

Nimrata Nikki Haley's employment with Lexington Medical Center will end on Friday, April 23, 2010 ("Separation Date"). The purpose of this Severance Agreement and Release is to state the conditions of separation of Nimrata Nikki Haley from Lexington Medical Center and to resolve any dispute that might arise between Nimrata Nikki Haley and Lexington Medical Center. In this Severance Agreement and Release, "Employee" means Nimrata Nikki Haley, his/her heirs, beneficiaries, executors, successors, assigns, and all others claiming an interest through him/her. "The Hospital" means Lexington Medical Center. "Agreement" means this Severance Agreement and Release.

B. THE HOSPITAL'S PROMISES TO EMPLOYEE

In consideration for Employee's execution of this Agreement, including its incorporated release of all claims and Employee's fulfillment of the promises contained in this Agreement, the Hospital promises the following:

- (1) **Severance Pay:** The Hospital will pay Employee \$27,197.74, representing approximately ninety (90) days' base pay. Payment will be made by lump sum within seven (7) days following the Effective Date of this Agreement. From this payment, the Hospital will make the deductions for state and federal income taxes, FICA, etc. it determines appropriate.
- (2) **Vacation Pay:** The Hospital will pay Employee \$8,017.28 representing approximately 161.6 hours of unused vacation pay. This represents vacation pay that Employee would not be eligible for if he/she were terminated, rather than resigned. Payment will be made by lump sum with seven (7) days following the Effective Date of this Agreement. From this payment, the Hospital will make the deductions for state and federal income taxes, FICA, etc. it determines appropriate.
- (3) **Letter of Reference:** Mike Blediger, President and CEO of Lexington Medical Center, will provide an executed Letter of Reference, in a form substantially similar to Attachment A, within seven (7) days following the effective date of this Agreement.
- (4) **Non-Disparagement:** The Hospital agrees that Mike Blediger (President and CEO), Kathy Howell (Vice President, Human Resources), and Timothy M. James (Vice President and Executive Director), will not, while employed by the Hospital, make any disparaging statements about Employee. A disparaging statement is any

Page 1 of 1
Witness
The Hospital *KH*



RaineyProd 0057

communication, oral or written, which would cause or tend to cause humiliation or embarrassment or to cause a recipient to question the integrity, confidence or good character of the Employee. The parties agree and acknowledge that compliance with this Section constitutes a material term of this Agreement. This Section is not intended to prevent cooperation through investigation, testimony or otherwise with an administrative agency or court.

C. EMPLOYEE'S PROMISES TO THE HOSPITAL

In consideration of the payment to Employee under Section B., above, which Employee acknowledges constitutes good, sufficient, and valuable consideration, over and above any consideration to which Employee is otherwise entitled, Employee agrees to and promises the following:

- (1) **General Waiver:** Employee for herself, her heirs, executors, administrators, assigns, and all others claiming an interest through her, hereby fully and unconditionally waives, releases, and discharges the Hospital and the other Released Parties (as defined below), from all actions, causes of actions, claims and demands whatsoever, whether in law or in equity, and whether currently known or unknown, arising from or related to any act, omission, or thing occurring or existing at the time of or prior to the date of the execution of this Agreement.
- (2) **Specific Waiver:** This release includes, but is not limited to, any and all claims based upon or related to: (a) Employee's employment with, or separation from, the Hospital; (b) Title VII of the Civil Rights Act of 1964; (c) The Civil Rights Act of 1991; (d) The Americans with Disabilities Act; (e) The Age Discrimination in Employment Act; (f) South Carolina Human Affairs law; (g) The Family and Medical Leave Act; (h) The Fair Labor Standards Act; (i) Executive Order 11246; (j) 42 U.S.C. §§ 1981, 1985, 1988; (k) the Employee Retirement Income Security Act (ERISA); (l) S.C. Code Ann. § 16-17-560; (m) Actual or alleged violations of any federal, state, or local law that prohibits wrongful termination, discrimination, harassment, or retaliation; (n) Claims for compensation of any kind; (o) Claims for attorneys' fees and costs; and (p) All other claims arising under any federal, state, or local constitutional law, statutory law, common law, regulations, ordinances, or equity, contract, or other source of law. Excluded from this Release are any claims which cannot be released by law.
- (3) **Unknown Claims:** Employee agrees that this release specifically includes any and all claims, demands, obligations, and/or causes of action that have, through ignorance, oversight, or error, been omitted from the terms of this Agreement. Employee makes this waiver with the full knowledge of his/her rights and with specific intent to release both known and unknown claims.



- (4) **Covenant Not to Sue:** Employee promises not to sue the Hospital and the other Released Parties, based upon, or relating to, any of the claims released in this Agreement. Moreover, Employee promises not to encourage any person to file a claim or charge against the Hospital or the other Released Parties.
- (5) **No Right to Recover:** Employee waives any right he/she may have to recover in any proceeding based in whole or in part on claims released by Employee in this Agreement and assigns any such recovery to the Hospital. This includes Employee waiving any right to recover from any charge or proceeding before or brought by the Equal Employment Opportunity Commission or any other state or local agency.
- (6) **Employee Confirmations:** Employee confirms that he/she has not filed any legal proceeding(s) against any of the Released Parties, is the sole owner of the claims released herein, has not transferred any such claims to anyone else, and has the full right to grant the releases and agreements in this Agreement.
- (7) **"Released Parties" include:** (a) Lexington Medical Center, Lexington County Health Services District, Lexington County, Lexington Medical Center Foundation; and (b) each of their past, present, and future parents, subsidiaries, divisions, partnerships, affiliates, and other related entities (closely or remotely connected); and (c) each of their past, present, and future owners, directors, officers, trustees, fiduciaries, shareholders, administrators, agents, employees, partners, members, associates, and attorneys; and (d) the predecessors, successors, and assigns of each of the foregoing persons and entities.
- (8) **No Claim for Leave or Compensation:** Employee confirms that he/she has received all leave (paid or unpaid), compensation, wages, bonuses, commissions, and/or benefits to which Employee is entitled, except as provided by this Agreement. This Agreement does not, however, supersede any retirement income benefit to which Employee is eligible. Employee further confirms that he/she has no known workplace injuries or occupational diseases.
- (9) **Reinstatement:** Employee agrees that when his/her employment with the Hospital is over, he/she will not seek reinstatement or employment with the Hospital or any of the Released Parties without first repaying the consideration he/she received pursuant to Section B of this Agreement.
- (10) **Return of Hospital Property:** Employee promises that, within forty-eight (48) hours following his/her Separation Date, he/she will return all the Hospital's property of any type that he/she has in his/her possession. This includes any files, documents, product samples, keys, handbooks, manuals, computer printouts, computer disks, other electronic data, copies of any of the above items, and any other form of the Hospital's property whatsoever.

Page 3 of 8
The Hospital *RLH*

(11) Confidentiality

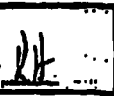
- a. **Scope:** The confidentiality provision included herein at Section 11 shall be binding on Employee and specified other persons, as referenced below.
- b. **Confidentiality:** Subject to the terms and conditions hereinafter set forth, Employee hereby promises and agrees not to disclose the terms of this Agreement or any other confidential the Hospital information to any other person or party, including, without limitation, members of the communications media, other attorneys or their employees, and current, former, and future employees of the Hospital. Employee shall not directly or indirectly, or by any means or manner whatsoever, disclose, urge, encourage, cooperate in, cause, or permit the disclosure or dissemination to any person or entity, the contents or substance of this Agreement, any consideration given or received hereto, and the claims or demands released herein.

Employee hereby acknowledges and agrees that she has not already disclosed the terms of this Agreement or any other confidential Hospital information prior to the execution of this Agreement.

In the event Employee is served with a subpoena or other form of order or request by any person, judicial or administrative agency or body which, by its terms, seeks to force her to communicate (orally or in writing), or in any way disclose the substance of negotiations and/or conditions of this Agreement, or any matters considered in the negotiations and/or the terms of the Agreement, Employee shall, through her counsel, promptly notify the Hospital, prior to making any disclosure or responding in any manner to the subpoena or order. Employee acknowledges and understands that by notifying the Hospital, through her counsel, of the subpoena, order or request, the Hospital will not serve as her legal counsel, provide her legal advice regarding the matter, or direct her testimony in response to a subpoena, order, or request.

It is expressly agreed that the confidentiality provisions of this paragraph are material provisions of, and in partial consideration for this Agreement. A breach of the confidentiality provisions will act as a material breach of the Agreement.

The parties acknowledge that Employee may be required to disclose the amounts and terms of this Agreement to her spouse, legal, financial, and tax advisors, and the disclosure to those specified persons is not prohibited by this Agreement. Employee agrees to inform each of those persons to whom she makes or has made disclosure of the confidentiality provisions of this Agreement, and will not disclose any information concerning the settlement until obtaining the person's agreement to be bound by the confidentiality terms of this Agreement. Employee specifically acknowledges that her attorney, Wilmet Irvin, Esq. is aware of the terms of confidentiality set forth in Section 11 of this Agreement. Should Employee's spouse, attorney or other legal counsel, financial or tax

 
The Hospital 

adviser disclose any information concerning this Agreement, it shall be considered a breach of this Agreement by Employee.

In the event that any of the terms of the settlement are publicly disclosed by a third party, such disclosure does not relieve Employee of her duties of confidentiality under this Agreement. Upon inquiry regarding Employee's separation from employment with the Hospital and the Lexington Medical Center Foundation by any person or entity, Employee shall state only that she voluntarily resigned her position.

This confidentiality provision does not limit Employee's right to testify, assist or participate in an investigation, hearing or proceeding conducted by any federal or state agency or judicial process.

- (12) **Non-Disparagement:** Employee agrees that he/she will not make any disparaging statements about the Hospital, the Lexington Medical Center Foundation ("the Foundation"), the other Released Parties, or the Hospital's or the Foundation's services to any current or former employee of the Hospital or the Foundation, the Hospital's patients, contractors, vendors, the Foundation's donors or prospective donors, to the media, or to any other person. A disparaging statement is any communication, oral or written, which would cause or tend to cause humiliation or embarrassment or to cause a recipient to question the business condition, integrity, product and service, quality, confidence or good character of the Hospital, the Foundation, the Released Parties, or the products or services of the Released Parties. The parties agree and acknowledge that compliance with this Section constitutes a material term of this Agreement. This Section is not intended to prevent cooperation through investigation, testimony or otherwise with an administrative agency or court.
- (13) **Tax Indemnification:** With regard to the payments made under this Agreement, Employee agrees that he/she is solely responsible for the payment of all taxes and for the penalties and interest owing or determined to be owed by any appropriate taxing authority and that he/she will indemnify the Hospital for the same. This responsibility includes, but is not limited to, defending against any claim or liability against the Hospital and holding it harmless against the liability for the amount of federal, state, or local withholding taxes, penalties, and interest that, in such event should have been withheld from the payment under Section 8 of this Agreement and any amounts that are due and payable by Employee under the law. Employee agrees to reimburse the Hospital for any and all expenses, including, but not limited to, attorneys' fees and costs incurred responding to the claim for taxes. Employee agrees that the Hospital offers no opinion on the taxability of such payments under Section 8 of this Agreement.
- (14) **Applicable Deductions:** Any amounts due or payable to Employee under this Agreement will be subject to deductions for any amounts owed by Employee to the Hospital, including, but not limited to, any outstanding advances, loans, or other money owed.

Witnessed by me, _____
Notary Public for the State of Maryland
The Hospital *RH*

- (15) **Resignation:** Employee agrees that she has voluntarily resigned her position with Lexington Medical Center effective Friday, April 23, 2010. All benefits will cease effective April 23, 2010. Employee agrees that she is not eligible for and will not apply for unemployment.
- (16) **Satisfaction of All Obligations:** Employee agrees that all obligations of the Hospital and the other Released Parties under any and all plans, agreements, policies, and/or practices have been satisfied or exceeded by the payments described in Section B., above.

D. MISCELLANEOUS TERMS AGREED TO BY THE PARTIES

In exchange for the promises made by and to Employee and the Hospital, they mutually agree to the following terms:

- (1) **Enforcement:** Either party may enforce this Agreement in court if the other party breaches it. This Agreement may be used in a subsequent proceeding to enforce its terms.
- (2) **Severability:** If a court refuses to enforce any part of this Agreement, the remainder of the Agreement will not be affected and will remain in force.
- (3) **Rule of Construction:** The language of all parts of this Agreement shall be construed as a whole and according to its fair meaning, and not strictly for or against either party. It is expressly understood and agreed that any rule requiring construction of this Agreement against its drafter shall not be applied in this case.
- (4) **Choice of Law:** The Hospital and Employee expressly agree that this Agreement shall, in all respects, be interpreted, enforced, and governed under the laws of the State of South Carolina. The parties further agree that South Carolina is the proper venue for any dispute over this Agreement.
- (5) **Non-Admission of Wrongdoing:** This Agreement does not constitute an admission by the Hospital of a violation of any federal, state, or local laws. It is further understood and agreed that this settlement is a compromise of a real or potential dispute and that the promises of the Hospital are not to be construed as an admission of liability, but rather that liability is expressly denied.
- (6) **Merger Clause:** This Agreement contains the entire and only agreement between the Hospital and Employee regarding the subject matter of this Agreement. To the extent there are any restrictive covenants or confidentiality agreements which, by their terms or by operation of law, survive the termination of Employee's employment, the obligations of this Agreement will supplement, but not replace such agreements. Any oral or written promises or assurances related to the subject matter of this Agreement that are not contained in this Agreement are waived, abandoned, and withdrawn, and are without legal effect. Employee acknowledges that he/she has not relied on any representations,

Page 4 of 8
Witness of the Parties
Employee *[Signature]* The Hospital *KH*

promises, or agreements of any kind made to Employee in connection with Employee's decision to sign this Agreement, except for those set forth in this Agreement.

- (7) **Binding Effect:** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, and personal representatives.
- (8) **Amendment:** This Agreement may not be amended except by written agreement signed by both parties which specifically refers to this Agreement.
- (9) **Effective Date:** The "Effective Date" of this Agreement shall be April 23, 2010, provided Employee executes and returns this Agreement to the Hospital on or before that date.

E. EMPLOYEE'S ASSURANCES TO THE HOSPITAL

This Agreement is a legal document with legal consequences. The Hospital wants to be certain that Employee fully understands the legal effect of signing this Agreement. Employee, therefore, makes the following assurances to the Hospital:

- (1) I have carefully read the complete Agreement.
- (2) The Agreement is written in language that I understand.
- (3) I understand all of the provisions of this Agreement.
- (4) I understand that this Agreement is a waiver of any and all claims I may have against the Hospital and all the other Released Parties.
- (5) I willingly waive any and all claims, known and unknown, in exchange for the promises of the Hospital in this Agreement, which I acknowledge constitute valuable consideration that I am not otherwise entitled to receive.
- (6) I enter this Agreement freely and voluntarily. I am under no coercion or duress whatsoever in considering or agreeing to the provisions of this Agreement.
- (7) I understand that this Agreement is a contract. As such, I understand that either party may enforce it.
- (8) I have reviewed this Agreement with my attorney, Wilmet Irvin, Esquire, prior to signing it.

Employee	Witness	Attest
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Employee	Witness	Attest
		The Hospital <i>[Signature]</i>

IN WITNESS WHEREOF, we have hereunto set our hand and seal.

Nimrata Nikhil Halay

Nimrata Nikhil Halay 4/19/10
Employee Signature Date Witness Date

Lexington Medical Center

By: Kelly A. Howell 4-22-2010 Donna M. Dorelli 4/22/2010
Date Date Witness Date
As: Vice President Human Resources
(Job Title)

Donna M. Dorelli
Employee Signature The Hospital LL

FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
www.laborlawyers.com

April 23, 2010

J. Hagood Tighe
Partner

Columbia
Suite 1400
1901 Main Street (29201)
Post Office Box 11612
Columbia, SC 29211
(803) 255-0000 Tel
(803) 255-0202 Fax

Writer's Direct Dial:
(803) 255-0000

Writer's E-mail:
hhtghe@laborlawyers.com

CONFIDENTIAL

VIA HAND DELIVERY

Wilmot B. Irvin, Esquire
1633 Richland Street
Columbia, SC 29201

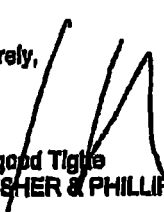
Re: Nikki Haley

Dear Wilmot:

Pursuant to the Severance Agreement and Release, enclosed please find a check representing the payments required. Also enclosed is the Letter of Reference from Mike Blediger.

We appreciate your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,


J. Hagood Tighe
For FISHER & PHILLIPS LLP

JHT:agk
Enclosures

Atlanta • Charlotte • Chicago • Columbia • Dallas • Denver • Fort Lauderdale • Houston • Irvine • Kansas City • Las Vegas • Louisville
New Jersey • New Orleans • Orlando • Philadelphia • Phoenix • Portland, ME • Portland, OR • San Diego • San Francisco • Tampa
Columbia 252847.1

RaineyProd 0055

Lexington Medical Center
2720 Sunset Boulevard
West Columbia SC 29169-4800

Pay Group: SWS-Weekly Salaried Pay Group
Pay Begin Date: 04/18/2010
Pay End Date: 04/23/2010
Business Unit: STDBU
Check #: 0035571
Check Date: 04/23/2010

Nimrata Nikhi Mahi 340 Governors Grant Blvd Lexington SC 29072	Employee ID: 17733 Department: 8381-LMC Foundation Location: Lexington Medical Center Job Title: Asst Bus Direct Foundation Pay Rate: \$6,230.76 Biweekly	TAX DATA: Federal: Married State: n/a Allowances: 4 Adtl. Pct.: Adtl. Amt.:
---	--	---

Dist	JobCode	Description	Rate	Current Hours	Employee	Description	Current	YTD
8311	103023	Regular Base Pay			27,197.74	Fed Withholding	9,331.63	12,973.09
8311	103023	Pay in lieu of AL - terminated	\$2,884.00	131.60	8019.29	Fed MED/RS	510.62	1,001.70
						Fed CASDI/RS	2,133.33	4,281.13
						SC Withholding	2,072.00	4,194.00
Total				131.60	35,215.03	Total	14,037.58	22,351.87

Description	Current	YTD	Description	Current	YTD
401K Retirement System Cmp	2,288.98	4,468.98			
Total		2,288.98	Total		0.00
Current	35,504.03	33,674.03	Current	14,038.58	14,038.58
YTD	69,051.11	64,503.73	YTD	22,391.87	42,150.28

Begin Balance:	142.50		Check #0035571	14,038.47
Hours Earned:	6.60	117.00		
Hours Taken:		48.00	Total	14,038.47
End Balance:	149.00			
Active Balance:	109.00			
Reserve Balance:	40.00			

• NREBAC®
• "The Alliance of Lexington Medical Center is to provide quality health services to
• meet the needs of our community"™

MESVADish
The mission of Lexington Medical Center is to provide quality health services that meet the needs of our community

Lexington Medical Center
2720 Sunset Boulevard
West Columbia SC 29169-4800

Date: 04/23/2010

Pay Amount: \$14,038.47

*****EIGHTEEN THOUSAND SIX HUNDRED THIRTY EIGHT AND 47/100 DOLLARS*****

To The
Order Of
NIMRATA NIKHI MAHI
340 Governors Grant Blvd
Lexington, SC 29072

[Signature]

⑈008557⑈ ⑆053201807⑆ 5127203980⑈

RaineyProd 0056

April 23, 2010

To Whom It May Concern,

Please accept this letter of recommendation regarding Nikki Haley.

Ms. Haley was employed by Lexington Medical Center from August 11, 2008 through April 23, 2010 as Manager Major Event and Foundation Relations. In this role she was responsible for soliciting financial support from the business community. She maintained a portfolio of donor prospects, along with planning and executing major development events.

Ms. Haley is intelligent, highly motivated and self-directed. She is very articulate and is always poised and professional in her presentation. She develops a rapport easily with a wide range of people and is personable and engaging in her one-on-one interactions.

Ms. Haley resigned her position to dedicate her time towards her campaign for Governor of South Carolina.

I think you will find Ms. Haley a dynamic addition to your team.

Sincerely,


Michael J. Biediger
President and CEO

RaineyProd 0027

PRINT IN BLACK OR BLUE INK, OR TYPE (DO NOT USE PENCIL)

1. Have you previously filed this form? ☒ Yes ☐ No

2. County of Residence: LEXINGTON

3. Name: (Last-First-Middle Initial) HALEY, MIKEL R

4. Mailing Address: PO BOX 147

City: LEXINGTON State: SC

Zip: 29071 S. Phone: 803-734-2970

6. Current 4 (a) HOUSE OF REPRESENTATIVES Term of Office (mo/yr) From 2005 To CURRENT
DIST. 87 From _____ To _____

7. Sought _____ (b) _____ From _____ To _____

*Status: 1. Appointed 2. Candidate 3. Employee 4. Elected 5. Employee/Regulated Business Association

8. Date of Hire or Appointment (mo-yr): 01/2005

CANDIDATES ONLY

9. Date filed as a candidate (mo/da/yr)

10. Election Date(s) (mo/da/yr) Primary _____ General _____ Special _____

11. **NOTE: ALL CANDIDATES MUST ALSO FILE A CAMPAIGN DISCLOSURE FORM.** A CAMPAIGN DISCLOSURE FORM MUST BE FILED AT LEAST FIFTEEN DAYS BEFORE EACH ELECTION, EVEN IF NO MONEY IS RAISED OR SPENT. AN INITIAL REPORT MUST ALSO BE FILED WITHIN TEN DAYS AFTER SPENDING OR RECEIVING \$500, EVEN IF THE MONEY PROVIDED IS SOLELY THE CANDIDATE'S OWN FUNDS. AFTER THE CANDIDATE FILES THE INITIAL FORM, A CAMPAIGN DISCLOSURE FORM MUST BE FILED WITHIN 10 DAYS AFTER THE END OF EACH CALENDAR QUARTER. THE QUARTERLY REPORTS MUST BE FILED UNTIL A FINAL REPORT IS FILED (i.e., NO MONEY IN THE CAMPAIGN ACCOUNT AND NO UNPAID DEBTS). IF THE REPORTS ARE NOT FILED OR IF THE FORMS ARE LATE, A LATE FILING PENALTY, OF \$100 PER DAY, WILL BE LEVIED.

ALL CANDIDATES MUST OPEN A SEPARATE CHECKING OR SAVINGS ACCOUNT, UNLESS THE FILING FEE IS THE ONLY EXPENSE AND IT IS PAID FROM PERSONAL FUNDS.

12. CERTIFICATION: I certify that the contents of this statement are true, correct, and complete to the best of my knowledge and belief. I understand that if this statement is not received within seven days of the deadline, a late filing penalty will be levied.

Date 4/20/07 Signature [Signature]

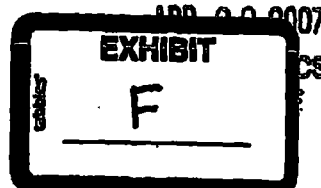
FOR OFFICE USE ONLY:
☐ COMPLETE ☐ INCOMPLETE
☐ ENTERED ☐ SCANNED

FAKES COPIES WILL NOT BE ACCEPTED
 The original must be received no later than 5:00 p.m. on the date of the established deadline.

NOTE: PLEASE PROVIDE ONE ORIGINAL AND ONE COPY OF THIS FORM TO THE APPROPRIATE SUPERVISORY OFFICE, AND KEEP A COPY FOR YOURSELF.

RECEIVED

ESA.2A (Rev. Nov. 2005)



SEC STATEMENT OF ECONOMIC INTERESTS
(ALL RESPONSES MUST BE FOR THE PRIOR CALENDAR YEAR)

pg. 3 of 4

E5A.2

13. INCOME AND BENEFITS FROM STATE AND LOCAL AGENCIES IN SOUTH CAROLINA (CHECK IF NONE)

Source	Type	Amount/Value

14. REGULATED BUSINESS ASSOCIATIONS (CHECK IF NONE)

Name of Business	Relationship	Source of Regulatory Involvement

15. REAL OR PERSONAL PROPERTY INTERESTS (CHECK IF NONE)

Description	Value	Location

Nature and Value of Improvements _____

Nature of Potential Conflict of Interest _____

Agency Purchasing, Leasing, or Renting the Property* _____

*A copy of the contract, lease, or rental agreement must be attached to this form.

16. BUSINESS INTERESTS (CHECK IF NONE)

Name of Business	Relationship

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E5A.2A(Rev. Nov 2006)

APR 20 2007
HOUSE ETHICS
COMMITTEE

0711

SEC STATEMENT OF ECONOMIC INTERESTS

pg. 4 of 4

E5A.3

17. CREDITORS (CHECK IF NONE)

Name and Address of Creditor	Rate of Interest	Original Amount	Outstanding Amount

18. LOBBYISTS (CHECK IF NONE)

(a) Name of Lobbyist	Relationship or Association

(b) Name of Lobbyist	Goods/Service Purchased	Amount	Purchased From	Relationship

19. GOVERNMENT CONTRACTS (CHECK IF NONE)

Contractor Name and Address	Relationship	Nature of Business	Amount	Agency

20. GIFTS (CHECK IF NONE)

Nature of Gift	Value	Donor	Relationship

21. MEMBERS OF AND CANDIDATES FOR THE GENERAL ASSEMBLY ONLY (CHECK IF NONE)

Person Represented	Services Rendered	Nature Contact w/Gov. Agency	Fees Earned

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HOUSE ETHICS
COMMITTEE

E5A.3A(Rev. Nov. 2006)

2006 COMMITTEE ETHICS REPORT

January, 2006

January 14, 2006

Clemson University Foundation

Clemson University

Tour, Lunch & Basketball Game

Anderson, Greenville, Oconee, Pickens, Spartanburg Delegations

\$43.49 per person

January 17, 2006

Progress Energy & SCANA

1517 Berkeley Road

Dinner

W&M Committee

\$26.48

February, 2006

February 7, 2006

SC Manufactured Housing

Dinner

LCI Committee

\$25.00 per person

February 8, 2006

USC

Breakfast

McCutcheon House

W&M Committee

Education Committee

\$10.00

February 8, 2006

Abbott Laboratories

Dinner

Dianne's

3M Committee

\$40.00 per person

February 15, 2006

SC Tourism Council

Dinner

Bull Market Restaurant

Ag Committee

\$41.85 per person

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HOUSE ETHICS
COMMITTEE

February 15, 2006
City of Greenville
Dinner
Dianne's
Greenville Delegation
\$45.00 per person

February 21, 2006
Manufacturer's Alliance, ACC, SCANA
Dinner
Dianne's
LCI Committee
\$43.00 per person

February 28, 2006
Cendant Corp. & American Resort Development Assoc.
Colonial Center
Dinner/Basketball Game
LCI Committee
\$36.00 per person

March, 2006

March 7, 2006
Reach Out & Read SC
Reception
Palmetto Club
Education Committee
W&M Committee
Less than \$15.00 per person

March 7, 2006
SC Assoc. of Technical College Commissioners
Reception
Clarion Town House
Ways & Means Committee
Education Committee
3M Committee
\$12.90 per person

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APR 20 2007

HOUSE ETHICS
COMMITTEE

March 7, 2006
Data Recognition Corp., K12, SC Beverage Assoc., Ben Arnold Beverage Co.
Dinner
Location:
Education Committee
\$45.00 - 50.00 per person

March 7, 2006
SC Beer Wholesalers Assoc.
Dinner
1114 College St.
Judiciary Committee
\$50.00

March 8, 2006
SC Assoc. of Technical College Commissioners
Breakfast
Clarion Town House
Ways & Means Committee
Education Committee
3M Committee
\$14.34 per person

March 8, 2006
R.J. Reynolds Tobacco Co.
Dinner
38 Mahalo Lane
Rules Committee
\$12.30 per person

March 14, 2006
SC Medical Assoc.
Pharmaceutical Research & Manufacturers of America
Dinner
Saluda's Restaurant
W & M Health, Human Services & Medicaid Subcommittee
\$35.00 per person

March 22, 2006
SC Academy of Physician Assistants
Luncheon
Capital City Club
3M Committee
\$18.00 per person

March 22, 2006
Carolinas AGC
Dinner
Summit Club
LCI Committee
\$35.00 per person

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APR 20 2007
HOUSE ETHICS
COMMITTEE

April, 2006

April 4, 2006
Carolinas AGC
Dinner
Summit Club
Education Committee
\$35.00 per person

April 4, 2006
SC Bankers & Mortgage Loan Assoc.
Dinner
Capital City Club
LCI Committee
\$45.65 per person

April 4, 2006
Progress Energy, Alltel, Myrtle Beach Chamber of Commerce
Dinner
Saluda's
Ways & Means Committee
\$

April 5, 2006
SC Academy of Family Physicians
Dinner
Dianne's
3 M Committee
\$49.57 per person



April 5, 2006
SC Defense Trial Lawyers Assoc.
Dinner
Oyster Bar
Judiciary Committee
\$37.07

April 19, 2006
SC Assoc. of School Administrators
Dinner
Summit Club
Education Committee
W& M K-12 Subcommittee
\$48.00 per person

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APR 20 2007
HOUSE ETHICS
COMMITTEE

April 19, 2006
Trial Lawyer's Assoc.
Dinner
Garibaldi's
Judiciary Committee
\$39.49

April 19, 2006
SC Beer Wholesalers Assoc.
Dinner 1114 College Street
Ways & Means Committee
\$49.00

April 26, 2006
SC Hospital Assoc.
Dinner
Al's Upstairs
Ways and Mean Committee
\$50.00 per person

April 26, 2006
SC Trial Lawyers Assoc. ✓
Dinner
Garibaldi's
3M Committee
\$24.99 per person

May, 2006

May 2, 2006
BMW, Harley Davidson, Piedmont Natural Gas
Bowling Tournament
Ft. Jackson
Ways & Means Committee
Judiciary Committee
LCI Committee
\$15.07 per person

May 3, 2006
Mining Assoc. of SC
Dinner
Dianne's
Agriculture Committee
Less than \$50.00 per person

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APR 20 2007
HOUSE ETHICS
COMMITTEE

May 3, 2006
SC Trucking Assoc.
Reception/Dinner
1619 Bluff Road
Education & Public Works Committee
\$35.00 per person

May 3, 2006
Pediatric Services of America
Dinner
New Orleans Restaurant
Ways and Means Committee
\$25.00 per person

May 4, 2006
PhRMA
Lunch
Capital City Club
3M Committee
\$20/25.00 per person

May 9, 2006
Southern Wine & Spirits, Ben Arnold
Dinner
Liberty Tap Room
Ways & Means Committee
\$37.13 per person

May 9, 2006
BMW Manufacturing Co., LLC
Dinner
1320 Main Street
Education & Public Works Committee
\$44.28 per person

May 10, 2006
SC Hospital Assoc.
Dinner
Dianne's
3M Committee
\$50.00 per person

May 16, 2006
Reach Out & Read SC
Reception
DiPrato's
Ways & Means Committee
Education Committee
\$16.00 per person

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APR 20 2007
HOUSE ETHICS
COMMITTEE

May 24, 2006
Merck & Time Warner Cable
Dinner
Bridge Point Pool Area
Ways & Means Committee
\$29.00

May 24, 2006
Progress Energy & Bell South
Reception
Nelson Mullins Roof Top
LCI Committee
Judiciary Committee
\$38.92

May 31, 2006
Interstate Transportation Equipment, Inc.
Breakfast
Room 305/ Blatt Building
Education & Public Works Committee
\$15.00 per person

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APR 20 2007

**HOUSE ETHICS
COMMITTEE**

June, 2006

SC Chamber of Commerce
Reception
Colonial Center
Aiken, Allendale, Bamberg, Barnwell, Calhoun, Edgefield, Fairfield, Kershaw,
Lancaster, Lee, Lexington, McCormick, Newberry, Orangeburg, Richland, Saluda
and Sumter County Delegations
\$34.49 per person

July, 2006

SC Chamber of Commerce
Reception
BMW Zentrum
Abbeville, Anderson, Cherokee, Chester, Greenville, Greenwood, Laurens, Oconee,
Pickens, Spartanburg, Union and York County Delegations
\$30.33 per person

SC Chamber of Commerce
Reception
Charleston Passenger Terminal
Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton and Jasper County
Delegations
\$35.92 per person

August, 2006

SC Chamber of Commerce

Reception

Osborne's

Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Marion,
Marlboro, and Williamsburg County Delegations

\$32.65 per person

October, 2006

SC Hospital Assoc. & SC Medical Assoc.

Luncheon

The Palmetto Club

3 M Committee and Staff

\$23.00 per person



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APR 20 2007

**HOUSE ETHICS
COMMITTEE**

SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name: Nikki R. Haley
Year: 2008
Filing Date: 4/15/2008
Version: Original

Demographic Information

Name	Address	Phone	County
Nikki R. Haley	P.O. Box 47 Lexington, SC 29071	803.734.2970	Lexington

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
House Representative	House of Representatives	Elected	1/2007 - 1/2009	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Labor Commerce and Industry Committee	Dinner	\$46.00	Personal Income
Labor Commerce and Industry Committee	Dinner	\$43.95	Personal Income
SC Alliance of Health Plans Annual Healthcare Conference	Conference	\$784.40	Personal Income
SC Insurance News Service and SC Legislative Conference	Conference	\$538.06	Personal Income
State of South Carolina	Salary	\$10,200.00	Personal Income
Various Sources	Reportable Substistence	\$8,119.00	Personal Income
In-District	Salary	\$12,000.00	Personal Income
State of South Carolina	Per Diem for each day of Legislative Session	\$35.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose. ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose. ***

Business Interests

*** Filer does not have any business interest items to disclose. ***

Creditors

*** Filer does not have any creditor items to disclose. ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose. ***

Government Contracts

*** Filer does not have any government contract items to disclose. ***

Gifts

*** Filer does not have any gift items to disclose. ***

Travel Reimbursement

*** Filer does not have any travel items to disclose. ***

General Assembly

*** Filer does not have any general assembly items to disclose. ***

[Print](#)

[Go Back](#)

SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name: Nikki R. Haley
Year: 2009
Filing Date: 4/20/2009
Version: Original

Demographic Information

Name	Address	Phone	County
Nikki R. Haley	P.O. Box 47 Lexington, SC 29071	803.734.2970	Lexington

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
House Representative	House of Representatives	Elected	11/2008 - 11/2010	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
State of SC	Salary	\$10,400.00	Personal Income
State of SC	In District	\$12,000.00	Personal Income
State of SC	Subsistence	\$8,646.00	Personal Income
Lexington Medical Foundation	Salary	\$110,000.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose. ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose. ***

Business Interests

*** Filer does not have any business interest items to disclose. ***

Creditors

*** Filer does not have any creditor items to disclose. ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose. ***

Government Contracts

*** Filer does not have any government contract items to disclose. ***

Gifts

Donor	Relationship	Nature of Gift	Value
Call House Invitations	803-734-3107	For List of Functions	\$1.00
Call LCI	803-734-3015	For List of Functions	\$1.00
ALEC	Legislator	Conference Lodging	\$1,121.72
SC Alliance of HealthCare	Conference	Lodging	\$624.40

Travel Reimbursement

Provider	Purpose	Date	Location	Amount
ALEC	Conference	7/30/2008	Chicago, IL	\$511.00

General Assembly

*** Filer does not have any general assembly items to disclose. ***

[Print](#)

[Go Back](#)

SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name: Nikki R. Haley
Year: 2010
Filing Date: 4/20/2010
Version: Original

Demographic Information

Name	Address	Phone	County
Nikki R. Haley	P.O. Box 47 Lexington, SC 29071	803.734.2970	Lexington

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
House Representative	House of Representatives	Elected	1/2009 - 12/2009	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
State of SC	Salary	\$10,400.00	Personal Income
State of SC	In District	\$12,000.00	Personal Income
State of SC	Subsistence	\$6,373.30	Personal Income
Lexington Medical Foundation	Executive	\$110,000.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose. ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose. ***

Business Interests

*** Filer does not have any business interest items to disclose. ***

Creditors

*** Filer does not have any creditor items to disclose. ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose. ***

Government Contracts

*** Filer does not have any government contract items to disclose. ***

Gifts

*** Filer does not have any gift items to disclose. ***

Travel Reimbursement

*** Filer does not have any travel items to disclose. ***

General Assembly

*** Filer does not have any general assembly items to disclose. ***

Print **Go Back**

SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name: Nikki R. Haley
Year: 2010
Filing Date: 4/20/2010
Version: Amendment 1

Demographic Information

Name	Address	Phone	County
Nikki R. Haley	P.O. Box 47 Lexington, SC 29071	803.734.2970	Lexington

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Governor	GOV'S OFFICE-EXEC POL/PROGRAM	Candidate	1/2011 - 1/2014	5/2010
House Representative	House of Representatives	Elected	1/2009 - 12/2009	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
State of SC	Salary	\$10,400.00	Personal Income
State of SC	In District	\$12,000.00	Personal Income
State of SC	Subsistence	\$6,373.30	Personal Income
Lexington Medical Foundation	Executive	\$110,000.00	Personal Income

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Government Contracts

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Gifts

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Travel Reimbursement

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General Assembly

*** Filer does not have any general assembly items to disclose. ***

[Print](#)

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SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name: Nikki R. Haley
Year: 2011
Filing Date: 4/15/2011
Version: Original

Demographic Information

Name	Address	Phone	County
Nikki R. Haley	800 Richland Street Columbia, SC 29201	803.734.2100	Richland

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
House Representative	House of Representatives	Elected	11/2008 - 11/2010	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Lexington Medical Center	salary	\$71,200.79	Personal Income
State of South Carolina	salary, subsistence, & in district expenses	\$26,800.21	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

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Real or Personal Property Interests II

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Business Interests

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Creditors

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Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose. ***

Government Contracts

*** Filer does not have any government contract items to disclose. ***

Gifts

Donor	Relationship	Nature of Gift	Value
RGA	political committee	hotel, food	\$850.00
Raj Mantena	friend	travel/roundtrip flight	\$3,276.00

Travel Reimbursement

*** Filer does not have any travel items to disclose. ***

General Assembly

*** Filer does not have any general assembly items to disclose. ***

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SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name: Nikki R. Haley
Year: 2011
Filing Date: 4/28/2011
Version: Amendment 1

Demographic Information

Name	Address	Phone	County
Nikki R. Haley	800 Richland Street Columbia, SC 29201	803.734.2100	Richland

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Governor	GOVS OFFICE-EXEC POL/PROGRAM	Elected	11/2010 - 11/2014	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Lexington Medical Center	salary	\$71,200.79	Personal Income
State of South Carolina	salary, subsistence, & in district expenses	\$26,800.21	Personal Income

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*** Filer does not have any government contract items to disclose. ***

Gifts

Donor	Relationship	Nature of Gift	Value
RGA	political committee	hotel, food	\$850.00
Raj Mantena	friend	travel/roundtrip flight	\$3,276.00

Travel Reimbursement

*** Filer does not have any travel items to disclose. ***

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August 4, 2008

Dear Nikki:

WELCOME TO LEXINGTON MEDICAL CENTER! I am pleased to offer you employment (40 hours per week) with Lexington Medical Center (LMC) as an Assistant Executive Director for the Foundation. In this capacity, you will be paid an annual base rate of \$110,000. You will report to Anthony Meyer. This offer is contingent based upon the successful completion of Lexington Medical Center's pre-employment process which includes a health screening (including a drug test and a TB test) and a background check. This offer is also contingent upon your signature on the enclosed offer letter indicating your acceptance and the Pre-Employment Inquiry Authorizations Release.

Employees are paid 26 times a year on a bi-weekly schedule every other Friday. Pay statements are mailed to the employee's address on record on the designated pay dates or distributed in the employee's department. Direct deposit is a condition of employment.

Employees are eligible for benefits the first of the month following 90 days of continuous employment, if applicable. Other related benefits including Short Term Disability coverage and Long Term Disability coverage do not begin until after 90 days of continuous employment. Standard tax deductions as indicated on your W-4 will be deducted from your paycheck. In addition, benefit deductions as designated on the specific forms will be deducted from your paycheck. LMC is a political subdivision and participating employer with the South Carolina Retirement System (SCRS), thus some positions are required to join the SCRS as a condition of employment. In other positions, joining SCRS is optional. An Assistant Executive Director position requires participation in the SCRS unless the position is PRN. By joining the SCRS, participants have 6.50% of their gross pay deducted pre-tax from their regular pay. In turn, Lexington Medical Center contributes 9.24% in matching funds. In order to participate in the SCRS, you must present your social security card to the Human Resources Department.

Annual Leave combines vacation time, sick time, and personal time away from work. During your first 90 days, you will accrue annual leave according to the Annual Days Off policy as it relates to your employee classification; however, annual leave may not be utilized until you have successfully completed your 90 day probationary period. Employees shall be permitted to carry over accrued, but unused annual leave time from one year to the next according to LMC's Annual Days Off policy.

Please note the following dates regarding your employment:

Pre-employment Screening: On August 8, 2008, please report to HR at 9:30am.

Please bring two appropriate forms of identification in order to complete your I-9 Employment Eligibility form. In addition, please bring your social security card. While other forms of identification may be used for completion of your I-9, a social security card is a necessity for those positions that are required to join the State Retirement Plan.

Please bring documentation (i.e. degree or diploma) of your highest level of education as well as any current certifications or licensure that is applicable to your position with Lexington Medical Center.

LMC Orientation: August 11, 2008. Report to the Lexington Medical Park 1 Auditorium at 7:30am. Orientation is scheduled for the entire day and lunch will be provided. Please bring a voided check or deposit slip to complete your direct deposit form.

EXHIBIT

G

RaineyProd 0051

Department Contact: Anthony Mayer

This letter is not intended as a guarantee of employment for any period, but rather is an understanding as to the compensation you will receive from Lexington Medical Center for as long as you are in fact employed by the Lexington Medical Center.

This offer will remain valid for a period of five (5) calendar days from the date of this letter; however, we would appreciate your decision as soon as possible.

Please do not hesitate to contact me at "op" should you have any questions regarding this offer. Please bring a copy of this signed letter when you report to LMC Human Resources for your Pre-employment Screening.

Sincerely,

Farrar S. Stewart, PHR

Associate Director Human Resources

cc: Anthony Mayer

Personnel File of Nikid Haley

Accepted:

NOTHING SET FORTH IN THIS NOTIFICATION IS INTENDED TO CREATE, OR SHALL BE CONSTRUED AS CREATING AN EXPRESS OR AN IMPLIED CONTRACT OF EMPLOYMENT FOR A DEFINITE PERIOD. ALL EMPLOYMENT IS AT-WILL.

RaineyProd 0052

**Position Applied For**

Position: Supervisor PFS LMO Lex/Imo
 Facility: Lexington Medical Center Lexington
 Department: Lexington Medical Center - Lexington
 Urgent Care
 Schedule: Full time
 Req Num: 8188

Application for Employment

Lexington Medical Center is an Equal Opportunity Employer and pledges to provide equal opportunities without regard to race, color, religion, age, sex, national origin, disability or veterans status. Lexington Medical Center provides a smoke-free work environment.

*** required information**

August 6, 2008

GENERAL INFORMATION

First Name: * NIKKI MI: R

Last Name: * Haley

Social Security Number: * ***-**-****

List other names under which your
 records may be found:

Present Address: * 340 Governors Grant Blvd

City: * Lexington

State: * SC

Zip: * 29072

County: Lexington

Home Phone: * [REDACTED]

Cell Phone:

Business Phone:

Email Address: [REDACTED]

May we send confidential email to this
 address? Yes

EDUCATION-- Please enter your highest level of education.

All fields are required in the row with *. If no information is available, please enter N/A.

Educational Level	Name of School	City and State	Course of Study	Did you graduate?	Degree or Diploma Received
High School *	Orangeburg Prep HS	Orangeburg, SC	General	Yes	HS Diploma
College *	Clemson Univ	Clemson, SC	Accounting	Yes	BS
School of Nursing					
Technical School					

SKILLS / EXPERIENCE

<https://www.healthcaresource.com/lexmed/admin/index.cfm?fuseaction=applicant.viewCust...> 8/6/2008

CHECK AREAS IN WHICH YOU ARE PARTICULARLY SKILLED OR INTERESTED

- | | | |
|--|---|---|
| ☐ Medical | ☐ Intensive Care | ☐ Pediatrics |
| ☐ Surgical | ☐ Emergency Department | ☐ Newborn Nursery |
| ☐ Oncology | ☐ Outpatient Surgery | ☐ Special Care Nursery |
| ☐ Pulmonary | ☐ Operating Room | ☐ OB/GYN |
| ☐ Orthopedics/Urology | ☐ Recovery Room | |
| ☐ Telemedicine/PCU | ☐ Labor & Delivery | |

Please list any special skills, experience, adult education courses, professional organizations, military training, or honors, which will qualify you for the positions for which you have applied. (Omit any which reflects your race, color, religion, age, sex, sexual orientation, marital status or disabilities.)

LICENSES**Professional Licensure**

*First row is required, please enter N/A if this section is not applicable

License/Certification	State/License No.	Date/Year Issued	Expiration Date	Temporary	Permanent
na	na	na	na	☐	☐
				☐	☐
				☐	☐
				☐	☐

WORK HISTORY

List Employers beginning with most recent. Explain any periods of unemployment not related to school.

If presently employed, may your employer be contacted at this time for a reference? * Yes

If no information is available, please enter N/A. NOTE: If you have a resumé, this information is still required. Do Not enter "see resumé".

1. Most recent employer

Name of Company: * Exotica International Inc

Street Address: * 3574 Sunset Blvd

City, State, Zip: * West Columbia, SC 29169

Employer's Phone: * 803-998-8858

Other Name(s) Used: * NA

Job Title: * CFO

From (month): * 1998

To (month): * 2008

Ending Salary: * 125,000

Supervisor's Name: * Dr. and Mrs. AS Randhawa

Employment Status: * full time

Job Duties and Responsibilities: *

All accounting functions and reporting.
Staff management. Marketing. Public Relations

Reason for leaving: *

Business retirement

2.

Name of Company: SC House of Representatives

Street Address: 320D Blakk

City, State, Zip: Columbia, SC 29211

Job Duties and Responsibilities:

Representing the constituents of District 87 in Lexington County

Reason for leaving:

<https://www.healthcaresource.com/lexmed/admin/index.offm?fuseaction=applicant.viewCust...> 8/6/2008

Employer's Phone: 803-734-2970
 Other Name(s) Used: NA
 Job Title: Rep for Dist 87
 From (m/y): 2005
 To (m/y): 2008
 Ending Salary:
 Supervisor's Name:
 Employment Status: part time

3.

Name of Company: FCR, Inc
 Street Address:
 City, State, Zip: Charlotte, NC
 Employer's Phone:
 Other Name(s) Used: Nikki Randhawa
 Job Title: Accounting Supervisor
 From (m/y): 1994
 To (m/y): 1998
 Ending Salary:
 Supervisor's Name: Douglas Handy
 Employment Status: full time

Job Duties and Responsibilities:
 Responsible for the all accounting
 functions and reporting of the corporation
 and 8 subsidiaries. Staff manager of
 Accounting Dept.
 Reason for Leaving:
 Moved to SC

4.

Name of Company:
 Street Address:
 City, State, Zip:
 Employer's Phone:
 Other Name(s) Used:
 Job Title:
 From (m/y):
 To (m/y):
 Ending Salary:
 Supervisor's Name:
 Employment Status:

Job Duties and Responsibilities:

Reason for Leaving:

MILITARY SERVICE

If you have military experience, a copy of your discharge paperwork will be required.

RESUME

Resume

To cut and paste your resume:

1. Highlight the text on the resume you want to copy.
2. Press 'Ctrl C' to copy (Hold down the Ctrl key and press C).
3. Place the cursor in the RESUME box below.
4. Press 'Ctrl V' to paste the information.

Cover Letter

Resume

REFERENCES

Please list 3 professional references. This should be people with whom you have worked in prior jobs or

<https://www.healthcaresource.com/lexmed/admin/index.cfm?fuseaction=applicant.viewCust...> 8/6/2008

may be professors, teachers or instructors. Do not include personal references.

Name *	Company and Address *	Present Title *	Phone Number *
Ted McGee	McGee Real Estate	President	739-0550
Richard Jackson	CR Jackson	President	920-4170
Mike Sisk	Ben Arnold Dist	CFO	787-8830

ADDITIONAL INFORMATION

What is your expected salary? 125,000

List days you are able to work: Monday thru Friday

How did you find out about this position? * Other

Please enter "Other" source: Mike Blediger

If employee referral, please enter name

Which job status/shift would you accept?
(please check all that apply)

Status
☒ Full Time
☐ Part Time
☐ PRN

Shift
☐ 1ST SHIFT
☐ 2ND SHIFT
☐ 3RD SHIFT
☐ WEEKENDS
☐ FLEX TIME
☐ ROTATING

Please answer all of the following questions.

No * Are you or will you be a recent graduate from a Registered Nursing Program?
If yes,

No * Were you previously employed by Lexington Medical Center?
If yes, dates?

No * Do you have any relatives employed at Lexington Medical Center?
If yes, who?

No * Have you ever been disciplined or fired?
If so, explain?

Yes * Are you legally eligible for employment in the United States?
If yes, you will be required to verify your identity and employment authorization in the event you are hired.

No * Have you ever been convicted of anything other than minor traffic violations or a health relation crime or are you listed as debarred, excluded or otherwise ineligible for participate in federal health care programs?
If yes, please explain by listing the offense and the dates.

(Conviction of a crime is not an automatic bar to employment other circumstances will be considered.)

No * Will you have any difficulties in getting to work?
If yes, please explain

<https://www.healthcaresource.com/lexmed/admin/index.cfm?fuseaction=applicant.viewCust...> 8/6/2008

READ AND SIGN**Read the following carefully before signing.**

I certify that the information I have given on this application is accurate and complete to the best of my knowledge and belief. I understand any misrepresentation of fact as stated or implied, given in my application, interview(s), or any other employment form or document provided to me by Lexington Medical Center may be sufficient reason not to hire me or may be investigated by Lexington Medical Center and agree that all information furnished in this application may be investigated by Lexington Medical Center or its authorized representatives. I hereby authorize all individuals in organizations named or referred to in the application and any law enforcement organization to give Lexington Medical Center all information that relates to or is requested during an investigation, and I hereby release those individuals, organizations, and Lexington Medical Center from any and all liability for any claim or damage resulting there from.

I understand that Lexington Medical Center is not obligated to provide employment and that I am not obligated to accept employment. Nothing in this application or in any prior or subsequent oral or written statement of communication is intended to create any contract of employment or to create any rights in the nature of a contract. This application does not bind either party for a specific period of time regarding employment. I also understand that no one has the authority to enter into an agreement, contract, or modification of the understandings expressed in this statement unless it is in writing and signed by the President and CEO of Lexington Medical Center. If hired, I understand that nothing shall restrict my right as an employee or the right of Lexington Medical Center as an employer to terminate my employment at any time for any reason.

I understand that any offer of employment is conditional on satisfactory replies from references and satisfactory results from physical examination, which includes blood and/or urine tests to detect the presence of illegal drugs or alcohol. Furthermore, if I am employed, I understand that I will have the right to terminate my employment at any time with or without notice, and with or without cause and Lexington Medical Center has the same right.

I hereby acknowledge that I have read the above statement and I understand and accept them.

My typed name below shall have the same force and effect as my written signature.

Candidate's/Applicant's Signature: Nikki R. Haley

Date: 08/05/2008

**Position Applied For**

Position: Supervisor PPS LMO Lexington
 Facility: Lexington Medical Center Lexington
 Department: Lexington Medical Center - Lexington
 Urgent Care
 Schedule: Full time
 Req Num: 8188

Application for Employment

Lexington Medical Center is an Equal Opportunity Employer and pledges to provide equal opportunities without regard to race, color, religion, age, sex, national origin, disability or veterans status. Lexington Medical Center provides a smoke-free work environment.

*** required information**

August 6, 2008

**Notice/Authorization for Release of Information for Employment Purposes
 Investigative Consumer Report**

In connection with my application for employment with Lexington Medical Center, I authorize Lexington Medical Center, Background America, Inc., or its agents to procure a consumer report, SLED report and/or investigative consumer report about my background, character or reputation, including, but not limited to, information as to my employment, education, consumer credit history, driving record, social security number verification, criminal record and/or other public records history. I authorize all persons to fully disclose information relevant to this investigation. I further authorize that a photocopy of this authorization may be considered as an original. I understand that all offers of employment are contingent upon the results of this background investigation. I have read and understand this statement and I authorize, any person, agency or other entity contacted by Lexington Medical Center, Background America, Inc., or its agents, to furnish the above-mentioned information.

First Name: Nikki MI: R

Last Name: Haley

Social Security Number: [REDACTED]

Driver's License Number: [REDACTED] State: so

Other Names used (alias, maiden, nickname):

Current Address: 340 Governors Grant Blvd

City: Lexington

State: SC

Zip: 29072

Previous addresses (for the past seven years)

Address:

City:

State:

Zip:

Dates Lived Here:

Address:

City:

<https://www.healthcaresource.com/lexmed/admin/index.cfm?fuseaction=applicant.viewCust...> 8/6/2008

RaineyProd 0045

State:
Zip:
Dates Lived Here:

Address:
City:
State:
Zip:
Dates Lived Here:

ADDITIONAL INFORMATION

Please answer all of the following questions.

- No Have you ever been convicted of or plead guilty or no contest to any crime (anything other than a minor traffic violation)?
If yes, explain:
- No Have you ever been convicted in a military court martial?
- No Are you currently under any investigation or pending charge?
- No Have you ever been sanctioned, disciplined, debarred and/or excluded by a duly authorized regulatory agency?
- No Is your license/certification currently in a probationary status, restricted or limited in any way?

READ AND SIGN

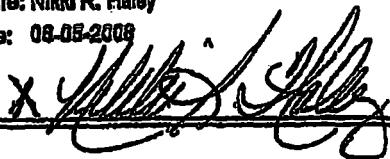
Read the following carefully before signing.

I certify that the information contained on this form is true and correct and I understand that my application or employment will be terminated based on any false, omitted or fraudulent information. Further, I understand that this Authorization/Release form shall remain in effect for the duration of my employment with Lexington Medical Center.

My typed name below shall have the same force and effect as my written signature.

Candidate's/Applicant's Signature: Nikki R. Haley

Date: 08-08-2008

X 

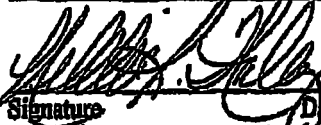
<https://www.healthcaresource.com/lexmed/admin/index.cfm?fuseaction=applicant.viewCust...> 8/6/2008

RaineyProd 0046

DISCLAIMER
LMC POLICIES AND PROCEDURES

ALL EMPLOYEES OF THE LEXINGTON MEDICAL CENTER (LMC) ARE EMPLOYED AT-WILL AND MAY OUT OR BE TERMINATED WITHOUT NOTICE AND/OR WITHOUT A REASON AT ANY TIME AND FOR ANY REASON. NOTHING IN ANY OF LMC'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING, 2) THE DOCUMENT IS LABELED A CONTRACT OR AN AGREEMENT, 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT, AND 4) THE DOCUMENT IS SIGNED BY LMC'S CHIEF EXECUTIVE OFFICER.

I ACKNOWLEDGE THAT LMC'S POLICIES AND PROCEDURES INCLUDING THOSE ON THE INTRANET ARE NOT A CONTRACT OF EMPLOYMENT.

 8/6/08
Signature Date

Nikki D. Haley
Printed Name


Social Security Number

Revised 6/3/2008

RaineyProd 0041

TO: All Employees
FROM: Michael J. Biediger, President/CEO
SUBJECT: Breach of Confidentiality

Please read and be aware of the penalties for breach of confidentiality.

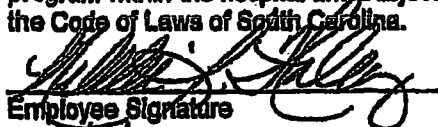
"I agree to hold in strict confidence privileged information concerning the hospital, its patients and employees. I know that confidential treatment of all communication and records pertaining to a patient's care are assured in the patient's bill of rights.

I acknowledge that betrayal of such confidence is grounds for immediate termination of employment or contract, internship or similar relationship with the hospital, and that I may be held liable for damages in the event that a patient's interest are harmed due to breach of confidentiality.

I understand that under 42 U.S.C. Section 1320 c-9(c) of the Social Security Act, penalties may be a fine of not more than \$1,000 and/or imprisonment for not more than six months for breach of confidentiality of medical identifying data, patterns of care, etc., on Medicare and Medicaid patients and patients of certain other third party payers.

I also understand that under 42 U.S.C. Section 1320 d-6 of Health Insurance Portability and Accountability Act, any improper use or disclosure of protected health information could result in penalties up to \$50,000 and one year in prison per offense, up to \$100,000 and five years in prison per offense if committed under false pretenses, and up to \$250,000 and ten years in prison per offense if committed with intent for commercial advantage, personal gain, or malicious harm.

In addition, I acknowledge that any results obtained through review of patients' medical records are for the sole use of Lexington Medical Center pursuant to the quality assurance program within the hospital and subject to the confidentiality provision of Section 40-71-20 of the Code of Laws of South Carolina.


Employee Signature

Employee ID

8/6/08

Date

**LEXINGTON MEDICAL CENTER
ACKNOWLEDGEMENT OF HOSPITAL EMPLOYMENT POLICIES
THIS IS NOT A CONTRACT**

Lexington Medical Center hereby requires each individual in hire of this hospital, as a condition of employment to read, gain an understanding of, and acknowledge the following:

1. The hospital is an equal opportunity employer and, therefore, will not discriminate against any employee or applicant for employment because of age, gender, race, religion, color, national origin, or disability.
2. All work periods begin on Sunday 7:30 a.m. and run two (2) weeks ending on Sunday 7:29 a.m. twenty-six times per year.
3. All time worked in excess of forty (40) hours per work period will be compensated in accordance with wage and hour laws. **OVERTIME WORK MUST BE AUTHORIZED.**
4. Employees are paid every other Friday. For the payroll period ending on Sunday 7:29 a.m., payroll advices will be computed the following week and payroll advices will not be issued prior to 7:30 a.m. on Thursday before payday. Advices are distributed by way of the employees' departments. The initial pay check will be mailed to the employee's address on record on payday Friday. Direct deposit is a condition of employment. Employees may elect to discontinue receiving paper payroll advices by initiating the request through the LMC's hr/payroll system, eConnect. Paycheck information is also available to the employee through eConnect.
5. Standard tax deductions, benefit deductions, and deductions for any advance on wages for purposes of payroll deducted items or services rendered will be taken from the employee's pay.
6. The position assigned is a Asst Exe Dirnt Foundation in the 8311 Department; the rate of pay is \$4230.78 or specific hours worked as established in hospital policies. Policies related to compensation to include but not limited to shift and other differentials as well as policies related to breaks and meals are posted online on the hospital intranet, LexLoop.

Thirty (30) minutes of each complete shift, at the convenience of the hospital may be scheduled as an unpaid meal period. While assigned to this position and/or department, you are primarily an employee of the hospital, and may be temporarily reassigned to where needed on instruction from the senior supervisor on duty at the time of transfer. Due to the nature of hospital operations, employees' working hours cannot be definitely fixed. An employee will not normally be required to work more than 16 hours in one day, but exceptions to this general rule will be made in case of need. Your typical shift/work hours will be set by your department head.

As a political subdivision and a participating employer with the South Carolina State Retirement System (SCRS), some positions are required to join the SCRS as a condition of employment.
7. A probationary period of ninety (90) calendar days applies to all hired, rehired and transferring employees. Some departments have a 180 day probationary period which will be communicated to the employee during orientation. Management reserves the right to terminate the employee with or without notice or explanation at any time.
8. Annual fire, safety, risk management, corporate compliance training (for all employees) and annual TB test (for employees with patient contact) are a condition of employment.
9. Employees voluntarily terminating are required to complete an Exit Interview prior to receiving unpaid annual leave.

When it becomes necessary for a regular employee to leave the employment of the hospital after completing the probationary period, it is requested that a written notice of resignation be submitted to the department head by the employee. Employees who are classified as grade 16 and above in any pay family, salaried or supervisory must give and work a four (4) weeks notice of resignation in order to be eligible to be paid for any leave hours accrued. All others must give and work a (2) weeks notice of resignation to be eligible. Annual leave may not be used in lieu of notice or as part of the resignation period. Any employee who fails to work the requested notice may forfeit all accrued benefits.

Employees terminated by the hospital for disciplinary reasons shall not be eligible for accrued annual leave.
10. Each employee is to maintain high standards of personal health and hygiene, and to maintain a clean, neat and well-groomed appearance. The employee is to furnish his/her uniform where required. Uniforms are to be designated and approved in the hospital's Dress Code.
11. Employment policies, as outlined above, most of which are maintained on the hospital intranet, LexLoop, may be modified from time to time, with or without notice.

I, THE UNDERSIGNED, HEREBY:

ACKNOWLEDGE THAT I HAVE READ, AND HAVE HAD EXPLAINED THE ABOVE STATEMENTS, POLICIES, PRACTICES, AND CONDITIONS OF EMPLOYMENT AND, UNDERSTAND THAT NOTHING IN THIS ACKNOWLEDGEMENT OR IN ANY POLICY ISSUED BY THE HOSPITAL CREATES A CONTRACT OF EMPLOYMENT. NOR DOES IT CONSTITUTE A CONTRACT OF EMPLOYMENT FOR ANY TERM.

Date Signed: 8/1/08


(Employee's Signature)

Presented by Human Resources Representative in orientation.

State
Columbia, SC
Circ. 128564
From Page:
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67012



01-124

EXCLUSIVE

What did Haley earn in 2007?

Her job application at Lexington Medical Center says \$125,000; her federal tax returns say \$22,000

By JOHN O'CONNOR
jocannon@thestate.com

Then-state Rep. Nikki Haley's application for a job at Lexington Medical Center reported she earned \$125,000 a year - more than five times the amount that Haley, now S.C. governor, said she earned on her federal tax returns.

That application also said Haley expected to be paid that same amount - \$125,000 a year, according to hospital documents obtained in a public records request by The State.

Haley's federal tax returns show she was paid \$22,000 by her parents' clothing store, Exotica International, during 2007.

In 2008, Lexington Medical hired Haley, then under financial pres-

ONLINE

**To see now-Gov. Haley's Lexington
Medical Job application
documents, go to thestate.com.**

sure, for a \$110,000-a-year fundraising job; created specifically for her, despite her lack of fundraising experience.

Gov. Haley's chief of staff, Tim

Pearson, denied Tuesday that Haley misrepresented her earning record to Lexington Medical.

"It is illogical," he said. "It just doesn't make sense."

Haley's August 2008 application to become a fundraiser was included in more than 70 pages of records that Lexington Medical turned over to The State regarding Haley's employment from August 2008 until

April of last year.

The State requested the documents after a political blog said Republican activist and Haley critic John Rainey had requested information from Lexington Medical via a freedom of information act request.

Pearson noted the job application

SEE HALEY PAGE A4

Journal of Management Inquiry 18(6)

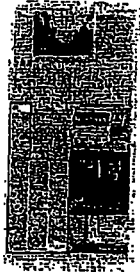
This study will contribute to our understanding of the
 relationship between the environment and the health of
 the population, and will provide a basis for the
 development of policies and programs to improve
 the health of the population.

These studies were carried out in the field in urban and rural areas of the study islands and were designed to determine the relative contribution of each source to the total pollution load. The objectives of the study were to:

[illegible][illegible]**EXHIBIT**

H

State
Columbia, SC
Circ. 128564
From Page:
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67012



HALEY

FROM PAGE A1

document containing information about salary history and expectations, dated Aug. 5, 2008, is not hand-signed by the then-state representative from Lexington - as was as accompanying form authorizing a background check.

The document says the applicant's typed name or signature constitutes a signature, and includes details such as Haley's previous employers, their addresses and supervisors, and names and phone numbers of references.

Haley also hand-signed or initialed at least five other hiring documents in the records that Lexington Medical produced.

"She never said that she made \$125,000 from Exotica," Pearson said Tuesday, "and the application does not have her signature on it. ... The governor did not fill out the application that has her making \$125,000 a year.

"It is illogical that a single person would fill out two pieces of paperwork for the same job, on the same day, and only hand-sign one of them. It just doesn't make sense. She didn't sign it because she didn't fill it out."

Pearson also noted one page of the application did not include a file stamp, as the other pages did.

Efforts to reach hospital officials after business hours Tuesday were unsuccessful.

Haley's \$110,000-a-year job as fundraiser came under scrutiny during the campaign after the hospital told The State that it created the position for Haley, whose only prior work experience was working for her parents and a short stint accounting for a Charlotte recycling firm.

Haley was paid a higher salary than others in similar positions at nonprofits of similar size or geography, according to a salary survey compiled by the S.C. Associ-

ation of Nonprofit Organizations. Haley's \$110,000 salary was 63 percent higher than the highest fundraiser salary - \$67,500 - among organizations with budgets that are similar in size to the Lexington Medical Center Foundation. The average salary for the same position among those surveyed was \$44,185.

The hospital hired Haley as it tried to secure state approval to build a heart surgery center. Haley never voted on the center as a lawmaker after her hiring. The center was approved earlier this year.

Haley left the Lexington Medical position last spring, as she was ramping up her

campaign for the GOP nomination for governor. E-mails from that period show hospital executives were having difficulty consistently reaching Haley and asked her to take a leave of absence.

Haley refused, eventually hiring an attorney and negotiating a \$35,210 settlement with the hospital. Records show the hospital presented Haley with specific job duties in December 2009, which included attending regular foundation staff and hospital board meetings and spending at least 10 hours a week in the foundation's offices.

According to the Lexington Medical job application, Exotica International was Haley's most recent employer, with her ending salary at "\$125,000." A question about what Haley expected to be paid in her next post was answered "\$125,000."

Lexington Medical Center hired Haley for \$110,000 a year.

But according to federal tax returns that Haley allowed reporters to review during the campaign, she reported earning \$22,000 from Exotica for all of 2007 and earned similar amounts in 2006 and 2005. In the six years of tax records Haley allowed reporters to review, the most she ever reported earning from Exotica was

\$46,000 in 2004.

"We did not verify Nikki Haley's salary at Exotica," Lexington Medical spokeswoman Jennifer Wilson said. "The hospital knew her from her work in the community, and Exotica was a family business."

In September, Wilson said

the hospital sought no outside advice in setting Haley's salary. Wilson did not respond to a question about what role the pay reported on Haley's job application played in her Lexington Medical salary.

Haley's application makes no mention of her consulting work with or income from Wilbur Smith Associates, a Columbia engineering firm. Haley was paid \$42,500 between 2007 and 2009 by the firm.

Haley has proposed lawmakers and state officials disclose their income sources, including consulting work, but did not reveal her consulting income until asked by the media.

Wilson said Haley's work with Wilbur Smith would not have affected the hospital's decision to hire the then-state representative.

At the time that Lexington Medical hired Haley, her family's income was stretched.

Tax records show Haley and her husband, Michael, had significant swings in income, with Michael Haley's bartering business losing more than \$20,000, combined, in 2006 and 2007.

In 2006, the family reported a total income of \$40,269, half going to pay the interest on their \$289,000 home mortgage alone.

The Haleys also repeatedly filed and paid their income taxes late, accruing more than \$4,000 in interest and penalties.

Reach O'Connor at (803)
771-8358.



Post and
Courier
Charleston, SC
Circ. 110289
From Page:
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3/16/2011
64009



Haley records conflict

Job application salary
differs from tax return

By JOHN G. GANGE
jgange@postandcourier.com

When one top executive filed a job application for a job at Lexington Medical Center, he reported he earned \$125,000 a year — more than five times the amount that Haley, top U.S. government official, reported on his tax return.



The application also said Haley reported he paid the same amount — \$125,000 a year — according to hospital documents obtained under records requested by the state.

Haley's federal tax return shows that he was paid \$25,000 by his private consulting work, BioGen International, during 2007.

In 2008, Lexington Medical Center paid Haley \$125,000 a year, according to documents specifically for his work as chief of fund-raising efforts.

Haley's chief of staff, Dr. ...



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Courier
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From Page:
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3/16/2011
64009



Haley records conflict

HALEY From Page 1A

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"It is illogical," he said. "It just doesn't make sense."

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The State requested the documents after a political blog said Republican activist and Haley critic John Rainey had requested information from Lexington Medical via a freedom of information act request.

Pearson noted that the job application document containing information about salary history and expectations, dated Aug. 5, 2008, is not hand-signed by the then-state representative from Lexington, as was an accompanying form authorizing a background check.

The document said the applicant's typed name or signature constitutes a signature, and includes details such as Haley's previous employers, their addresses and supervisors, and names and phone numbers of references.

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that has her making \$125,000 a year.

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Haley's \$110,000-a-year job as a fundraiser came under scrutiny during the campaign after the hospital told The State that it created the position for Haley, whose only prior work experience was working for her parents and a short stint doing accounting for a Charlotte recycling firm.

Haley was paid a higher salary than others in similar positions at nonprofits of similar size or geography, according to a salary survey compiled by the S.C. Association of Nonprofit Organizations.

Haley's \$110,000 salary was 63 percent higher than the highest fundraiser salary, \$67,500, among organizations with budgets that are similar in size to the Lexington Medical Center Foundation.

The average salary for the same position among those surveyed was \$44,195.

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The center was approved this year.

Haley left the Lexington Medical position last spring, as she was ramping up her campaign for the GOP nomination for governor. E-mails from that period show hospital executives were having difficulty consistently reaching Haley and asked her to take a leave of absence.

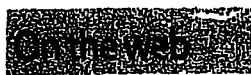
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Lexington Medical Center hired Haley for \$110,000 a year.

But according to federal tax returns that Haley allowed reporters to review during the campaign, she reported earning \$22,000 from Exotica for all of 2007 and earned similar amounts in 2006 and 2005.

In the six years of tax records



To see how Gov. Haley's Lexington Medical job application documents, go to thestate.com.

Haley allowed reporters to review, the most she ever reported earning from Exotica was \$46,000 in 2004.

September 5, 2007

The Honorable Nikki R. Haley
South Carolina House of Representatives
P.O. Box 47
Lexington, SC 29071

Dear Nikki:

As you know, DHEC approved the Certificate of Need Applications of Palmetto Health Parkridge and Providence Northeast. We plan to appeal DHEC's decisions.

We continue our efforts to gain approval to develop the much-needed Open Heart Surgery program at Lexington Medical Center. When the Lexington Delegation and LMC Board meet (Thursday, October 11th at 6:00 p.m. in the Lexington Medical Park Auditorium), I'll provide an update on our efforts. On a related matter, you may know that Dan Jones has accepted a job with Time-Warner Cable. While we'll miss Dan, I am pleased to announce that Billy Boan has accepted the role of Lobbyist for LMC and Vickie Parker will continue to work with us.

Thank you for your on-going support of Lexington Medical Center. I look forward to seeing you in October. Please call me at 791-2109 if I can ever be of help to you.

Sincerely,

Michael J. Biediger
President and CEO

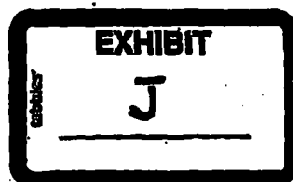
MJB/dh



RaineyProd 0352

Nikki Haley

Subject: Billy Boan, Vicky Parker (David will call in) - Mike's office
Start: Wed 8/27/2008 10:00 AM
End: Wed 8/27/2008 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Required Attendees: Mike Blediger, Nikki Haley



South Carolina General Assembly
117th Session, 2007-2008
Journal of the House of Representatives

Thursday, June 28, 2007
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 43:1b-3a: "Fear not, for I have redeemed you; I have summoned you by name; you are mine. When you pass through the rivers, they will not sweep over you. When you walk through fire, you will not be burned; the flames will not set you ablaze. For I am the Lord, your God." Let us pray. Loving God, we are grateful for this journey on which we have embarked, and for our traveling companions who make the travel easier just by their presence. Continue to bless and protect each one and go with these Representatives and staff until we meet again in these halls of government. Bless our nation, President, State, Governor, Speaker, staff and all who serve in government and private enterprise. Protect our defenders of freedom at home and abroad as they protect us. Hear our prayer, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Thursday, June 21, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. FUNDERBURK moved that when the House adjourns, it adjourn in memory of W. Robert Byars, Sr., of West Columbia, which was agreed to.

R. 175, H. 3620--ORDERED PRINTED IN THE JOURNAL

The SPEAKER ordered the following Veto printed in the Journal:

June 27, 2007

The Honorable Robert W. Harrell, Jr.
South Carolina House of Representatives
508 Blatt Building
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am returning H. 3620, R. 175, the Fiscal Year 2007-08 General Appropriations Act, with the line-item vetoes detailed below. If you have not done so, I would ask that you read the cover letter attached to each of these veto messages as it explains the larger rationale behind this year's vetoes. For those of you wanting more detail, you will find it on the following pages.



Govan
Hodges
Jefferson
McLeod
J. H. Neal
Parks
Sellers
Weeks

Hart
Hosey
Jennings
Miller
Neilson
Rutherford
F. N. Smith
Whipper

Harvin
Howard
Mack
Mitchell
Ott
Scott
Vick

Total--35

Those who voted in the negative are:

Ballentine
Bedingfield
Brady
Clemmons
Davenport
Edge
Gambrell
Haley
Harrell
Hayes
Kelly
Knight
Loftis
Mahaffey
Mulvaney
M. A. Pitts
Scarborough
Skelton
G. R. Smith
Spires
Talley
Toole
White
Young

Bannister
Bingham
Chalk
Cotty
Delleney
Frye
Gullick
Hamilton
Harrison
Hiott
Kennedy
Leach
Lowe
Merrill
Pinson
Rice
Shoopman
D. C. Smith
J. R. Smith
Stavrinakis
Taylor
Umphlett
Whitmire

Barfield
Bowen
Chellis
Crawford
Duncan
Funderburk
Hagood
Hardwick
Haskins
Huggins
Kirsh
Limehouse
Lucas
Moss
E. H. Pitts
Sandifer
Simrill
G. M. Smith
W. D. Smith
Stewart
Thompson
Viers
Witherspoon

Total--70

So, the Veto of the Governor was sustained and a message was ordered sent to the Senate accordingly.

VETO 74-- OVERRIDDEN

Part 1B; Section 53.16; Department of Transportation; page 438; Shop Road Farmers Market Bypass Carry Forward.

The question was put, shall the Item become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 82; Nays 17

Those who voted in the affirmative are:

Agnew

Allen

Anderson

Anthony	Bales	Bannister
Barfield	Battle	Bedingfield
Bowen	Bowers	Brady
Branham	Breeland	G. Brown
R. Brown	Chellis	Cobb-Hunter
Coleman	Crawford	Davenport
Duncan	Frye	Funderburk
Gambrell	Hardwick	Harrell
Harrison	Hart	Harvin
Haskins	Hayes	Hiott
Hosey	Howard	Jennings
Kelly	Knight	Leach
Loftis	Lowe	Mack
McLeod	Miller	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Parks
Perry	Pinson	E. H. Pitts
M. A. Pitts	Rice	Rutherford
Sandifer	Scarborough	Scott
Sellers	Shoopman	Simrill
Skelton	F. N. Smith	G. M. Smith
G. R. Smith	J. R. Smith	W. D. Smith
Spires	Stavrinakis	Talley
Taylor	Toole	Umphlett
Vick	Weeks	White
Whitmire	Williams	Witherspoon
Young		

Total--82

Those who voted in the negative are:

Chalk	Clemmons	Cotty
Delleney	Gullick	Hagood
Hamilton	Kirsh	Limehouse
Lucas	Mahaffey	Mulvaney
D. C. Smith	Stewart	Thompson
Viers	Whipper	

Total--17

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**STATEMENT FOR THE JOURNAL
ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST
ON H. 3620, VETO NO. 74**

In accordance with Section 8-13-700(B) of the S.C. Code, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is [check applicable reasons(s)]:

a. A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code Section 8-13-700(B).

b. A potential conflict may exist under S.C. Code Section 8-13-740(C) because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

c. A potential conflict may exist under S.C. Code Section 8-13-745(C) because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Nikki Haley

VETO 32--RECONSIDERED

Rep. OTT moved to reconsider the vote whereby Veto No. 32 was sustained.

Rep. OTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 86; Nays 18

Those who voted in the affirmative are:

Agnew	Allen	Anderson
Bales	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Breeland	G. Brown
R. Brown	Chellis	Clemmons
Clyburn	Cobb-Hunter	Coleman
Cooper	Crawford	Delleney
Duncan	Edge	Funderburk
Gambrell	Govan	Haley
Hardwick	Harrell	Harrison
Hart	Harvin	Haskins
Hayes	Herbkersman	Hiott
Howard	Huggins	Jefferson
Jennings	Kelly	Knight
Leach	Limehouse	Lowe
Lucas	Mack	McLeod
Merrill	Mitchell	Moss
J. H. Neal	J. M. Neal	Neilson
Ott	Parks	Perry
Pinson	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Scarborough	Sellers	Simrill
Skelton	D. C. Smith	F. N. Smith
G. M. Smith	J. R. Smith	Spires
Stavrinakis	Taylor	Toole
Umphlett	Vick	Weeks
Whipper	White	Whitmire
Williams	Young	

Total--86

Those who voted in the negative are:

Ballentine	Chalk	Cotty
Davenport	Frye	Gullick

South Carolina General Assembly
117th Session, 2007-2008
Journal of the House of Representatives

Wednesday, April 9, 2008
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 29:4: "The voice of the Lord is powerful."
Let us pray. God of gentle power, speak to those who need Your love. Thanks for those whose words have helped us along the way of life. Give us simple words to let others know we care for them as we work together for the good of the people in this State. Bless our Nation, President, State, Governor, Speaker, this Honorable Assembly, and all who serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. In the name of our Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

COMMITTEE APPOINTMENT

The following was received:

OFFICE OF THE SPEAKER
SOUTH CAROLINA HOUSE OF REPRESENTATIVES

April 8, 2008

The Honorable Joseph "Joe" Daning
South Carolina House of Representatives
118 Queensbury Circle
Goose Creek, South Carolina 29445

Dear Joe:

It is with pleasure that I appoint you to serve on the Medical, Military, Public and Municipal Affairs Committee, effective today. I know that you will serve on this committee with honor and distinction.

I look forward to working with you in the coming year. If you have any questions, please do not hesitate to contact me.

Sincerely,
Robert W. Harrell, Jr.
Speaker of the House



H. 4622 (Word version) -- Reps. Hutson, Dantzler, Limehouse, Miller, Perry, Umphlett, Witherspoon and Knight: A BILL TO AMEND SECTION 56-1-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POINTS ASSESSED A PERSON'S DRIVING RECORD FOR VIOLATING CERTAIN PROVISIONS THAT REGULATE THE OPERATION OF A MOTOR VEHICLE, SO AS TO PROVIDE THAT FOUR POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON FOR THE IMPROPER OPERATION OF A VEHICLE WHEN APPROACHING A STATIONARY EMERGENCY VEHICLE; AND TO AMEND SECTION 56-5-1538, RELATING TO THE MANAGEMENT OF AN EMERGENCY SCENE AND PENALTIES FOR A VIOLATION OF THIS PROVISION, SO AS TO REUSE THE DEFINITION OF AN EMERGENCY SCENE, TO PROVIDE THAT ALL PERSONS DRIVING IN OR THROUGH AN EMERGENCY SCENE MUST EXERCISE DUE REGARD FOR THE SAFETY OF ALL PERSONS WHEN HE DRIVES TO OR FROM AN EMERGENCY SCENE, TO PROVIDE THAT A PERSON WHO COMMITS A MOVING VIOLATION IN AN EMERGENCY IS SUBJECT TO A FINE THAT IS DOUBLE THE FINE OTHERWISE PRESCRIBED FOR THAT MOVING VIOLATION, AND TO PROVIDE THAT CERTAIN CONDUCT BY A DRIVER CONSTITUTES A FACTOR IN AGGRAVATION.

S. 1066--AMENDED AND ORDERED TO THIRD READING

The following Joint Resolution was taken up:

S. 1066 (Word version) -- Senators Leatherman, Setzler, Knotts and Cromer: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO RELOCATE THE COLUMBIA STATE FARMERS' MARKET FROM ITS CURRENT LOCATION IN RICHLAND COUNTY TO LEXINGTON COUNTY, TO RE-AUTHORIZE APPROPRIATIONS FOR THE DEPARTMENT TO EXPEND CERTAIN MONIES FOR THE RELOCATION, TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO TERMINATE THE PENDING PROJECT THAT RELOCATES THE MARKET TO THE WALKER TRACT IN RICHLAND COUNTY, AND TO AUTHORIZE THE COMMISSIONER TO IMPLEMENT A STATEWIDE FARMERS' MARKET PLAN.

The Ways and Means Committee proposed the following Amendment No. 1 (Doc Name COUNCILDT27134BB08), which was adopted:

Amend the joint resolution, as and if amended, by deleting all after the enacting words and inserting:

/SECTION 1. (A) The Department of Agriculture may relocate the Columbia State Farmers' Market from its current location on Bluff Road in Richland County to a new location selected by the Commissioner of Agriculture in Lexington County.

(B) The following funds are authorized or re-authorized to be used for the relocation project:

- (1) the balance of the ten million dollars from the Capital Improvement Bond funds authorized in the 1999 Bond Act;
- (2) a minimum of fourteen million eight hundred fifty thousand dollars from the sale of the existing market or the current appraised value, whichever is greater;
- (3) the two million five hundred thousand dollars from the Ordinary Sinking Fund;
- (4) the fifteen million dollars from the Capital Reserve Fund in 2007; and
- (5) the proceeds from the sale of the Columbia Metrology Laboratory and the contiguous tract of state land.

The department may use no more than twenty-two million five hundred thousand dollars for the relocation project. This joint resolution modifies and supersedes any conflicting language found in Section 22 of Act 117 of 2007.

(C) As part of the relocation project authorized in this joint resolution, the Commissioner of Agriculture is authorized to terminate the pending project on the Walker Tract in Richland County, to resolve any related disputes, negotiate and enter any agreements incidental to the relocation project, and to engage any needed professional services. Should the commissioner terminate plans to locate the pending project at the Richland County site, as part of the commissioner's efforts to resolve and negotiate any disputes, the commissioner is directed to transfer and convey the portion of the Walker Tract conveyed to the State by Richland County back to Richland County. Provided, if Richland County were to transfer the property or any portion of the property within three years of receiving title from the commissioner, the county must pay the State two and one-half million dollars for the improvements to the property made by the State. However, if Richland County transfers only a portion of the property within the three-year period prescribed, the county must pay a pro-rata share of the two and one-half million dollars based upon the corresponding percentage of the acreage transferred by the county. Further, prior to the transfer of any of the Walker Tract property to the county, the county must sign a complete cross-release and waiver of any claims, demands, or obligations against the State, its agents, employees, agencies, and officials related to this project except as contained in this act. Should the commissioner transfer this property to the county, no further consideration from the county will be required. If the county still owns the property or a portion of it after the three-year period prescribed in this act, the county has no other obligations to the State in connection with the property, regardless of the county's subsequent acts in connection with the property. The commissioner shall provide a quarterly update on the progress of the relocation of the Columbia State Farmers' Market and the implementation of the statewide farmers' market plan to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Further, notwithstanding any other provision of law relating to the approval of state real property transactions, the commissioner must consult with the Chairman of Senate Finance Committee, the Chairman of Ways and Means Committee, and the Division of General Services prior to entering into any real property transaction. Any real estate purchased as part of the relocation project shall be titled in the name of the State of South Carolina. The commissioner is prohibited from purchasing any real estate for the project at an amount greater than the appraised value.

(D) As part of the relocation project, the commissioner, in consultation with the Division of General Services, is authorized to sell and convey the Columbia Metrology Laboratory location and the contiguous tract of land.

(E) The remaining funds are authorized to be used to implement a statewide farmers' market system. The Commissioner of Agriculture is authorized to work with Clemson University to analyze the current status of markets throughout the State and to study the statewide farmers' market system. The commissioner shall select the appropriate locations and enhancements for the statewide system based upon Clemson University's recommendations, which must include an analysis of agricultural and other economic data. The department may not expend more than one million five hundred thousand dollars of the remaining funds on any individual farmers' market.

(F) The department may expend a portion of the remaining funds, as determined necessary by the Division of General Services, for rent and other cost escalations related to the department's laboratory on Williams Street.

(G) Upon completion of the relocation of the Columbia State Farmers' Market, and the complete implementation of the statewide farmers' market system provided for in subsection (E), the department must

return any unused balance of the designated funds to the general fund of the State.

SECTION 2. This joint resolution takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

Rep. BINGHAM proposed the following Amendment No. 5 (Doc Name COUNCIL\DT\27160BB08), which was adopted:

Amend the joint resolution, as and if amended, **SECTION 1(B)**, page 1066-1, lines 32-33, by deleting the words /or the current appraised value, whichever is greater/

Amend the joint resolution further, **SECTION 1(B)**, page 1066-1, line 41 before // by inserting /, and of this amount, up to three million dollars may be used for public improvements related to roads, water, sewer, and other infrastructure, to be spent by the Commissioner of Agriculture, in consultation with the Division of General Services. State funds must be placed in escrow. The release of the funds is contingent upon project inspection and certification by the State Engineer's Office and must be disbursed as those improvements are actually constructed. The Department of Agriculture must obtain the approval of the coordinating council prior to spending the balance of the twenty-two million, five hundred thousand dollars allocated for the market relocation./

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

Rep. BALES proposed the following Amendment No. 6 (Doc Name COUNCIL\SWB\5510CM08), which was tabled:

Amend the joint resolution, as and if amended, by adding the following appropriately numbered **SECTION:**

/ **SECTION ____.** Notwithstanding another provision of law, the State Budget and Control Board and the Department of Agriculture shall execute and deliver a deed to Richland County for the proposed farmer's market known as the Walker Tract located on Pineview Drive in Richland County within thirty days after the effective date of this Joint Resolution. /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. J. H. NEAL moved to adjourn debate on the Joint Resolution.

Rep. BINGHAM moved to table the motion.

Rep. BALES demanded the yeas and nays which were taken, resulting as follows:

Yeas 78; Nays 30

Those who voted in the affirmative are:

Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Branham	Cato
Chalk	Clemmons	Clyburn
Cooper	Crawford	Danings
Dantzler	Delleney	Duncan
Edge	Erickson	Frye
Funderburk	Gambrell	Gullick
Hagood	Haley	Hamilton
Hardwick	Harrell	Haskins
Hayes	Hiott	Hosey
Hutson	Jennings	Kelly
Kennedy	Kirsh	Knight
Leach	Limehouse	Littlejohn
Loftis	Lowe	Lucas
Mahaffey	McLeod	Merrill
Miller	Moss	Mulvaney
Ott	Owens	Perry
Pinson	E. H. Pitts	Rice
Scarborough	Sellers	Shoopman
Simrill	Skelton	D. C. Smith
G. R. Smith	J. R. Smith	Spires
Stavrinakis	Stewart	Talley
Thompson	Toole	Umphlett
Vick	Walker	White
Whitmire	Witherspoon	Young

Total--78

Those who voted in the negative are:

Agnew	Allen	Anderson
Bales	Ballentine	Brady
Brantley	R. Brown	Coleman
Cotty	Davenport	Harrison
Hart	Harvin	Herbkersman
Hodges	Howard	Jefferson
Mack	Mitchell	J. H. Neal
J. M. Neal	Neilson	Rutherford
Sandifer	Scott	G. M. Smith
Weeks	Whipper	Williams

Total--30

So, the motion to adjourn debate was tabled.

Rep. BINGHAM spoke against the amendment.

Rep. BINGHAM moved to table the amendment, which was agreed to.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 106; Nays 4

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Brantley	R. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Coleman
Cooper	Cotty	Crawford
Danig	Dantzler	Davenport
Delleney	Duncan	Edge
Erickson	Frye	Funderburk
Gambrell	Govan	Gullick
Hagood	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Haskins
Hayes	Herbkersman	Hiott
Hodges	Hosey	Hutson
Jennings	Kelly	Kennedy
Kirsh	Knight	Leach
Littlejohn	Loftis	Lowe
Lucas	Mack	Mahaffey
McLeod	Merrill	Miller
Mitchell	Moss	Mulvaney
J. M. Neal	Neilson	Ott
Owens	Perry	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scarborough	Scott
Sellers	Shoopman	Simrill
Skelton	D. C. Smith	F. N. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Spires	Stavrinakis	Stewart
Talley	Taylor	Thompson
Toole	Umphlett	Vick
Walker	Weeks	Whipper
White	Whitmire	Witherspoon
Young		

Total--106

Those who voted in the negative are:

Bales	Howard	J. H. Neal
Rutherford		

Total--4

So, the Joint Resolution, as amended, was read the second time and ordered to third reading.

H. 4745--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4745 (Word version) -- Reps. Young, Mulvaney, Umphlett, Ballentine, Huggins, E. H. Pitts, Bedingfield, Haley, Lowe, Clemmons, Viers, Scarborough, Edge, Harrell, Cotty, Mitchell, Chalk, Hagood, Talley, Gullick, Miller, Harvin, Bingham, Witherspoon, Haskins, Thompson, Merrill, Sandifer, Brady, Weeks, Scott, Duncan, Cato, Cooper, Dantzler, G. M. Smith, Whipper, R. Brown, Mahaffey, Toole,

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF: CONTROVERSY

WILBUR SMITH ASSOCIATES, INC.
vs.
SOUTH CAROLINA DEPARTMENT OF
AGRICULTURE
ENGINEERING SERVICES
STATE FARMER'S MARKET RELOCATION
PROJECT NO. P16-9509-MI

) BEFORE THE CHIEF PROCUREMENT
) OFFICER FOR CONSTRUCTION
)

CASE NO. 2010-003

) ORDER APPROVING SETTLEMENT
)

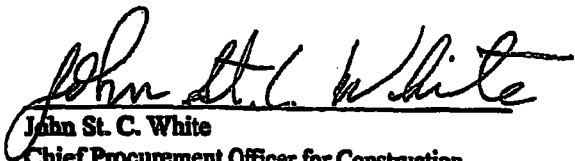
) POSTING DATE: OCT. 13, 2009
)

This matter is before the Chief Procurement Officer for Construction (CPOC) pursuant to a joint request from Wilbur Smith Associates, Inc. (Wilbur Smith), and the South Carolina Department of Agriculture (Department) under the provisions of §11-35-4230 of the South Carolina Consolidated Procurement Code ("the Code"), for an administrative review of a contract controversy over engineering services for the relocation of the State Farmers Market from its current location on Bluff Road in Richland County to a new site on Shop Road in Richland County. ("the Project"). The request for resolution of a contract controversy is attached as Exhibit "A."

On or about August 11, 2005, the Department and Wilbur Smith entered into a contract under which Wilbur Smith agreed to provide certain engineering services for the Project. The parties subsequently executed at least three amendments to the initial contract. The Project was cancelled in late 2007 for reasons beyond the control of the parties and the Department terminated the contract. A controversy arose concerning several matters, including the final amount Wilbur Smith is due for its work on the Project. Following mediation, Wilbur Smith and the Department resolved all disputes by mutual agreement. The agreement between Wilbur Smith and the Department is attached as Exhibit "B."

DECISION

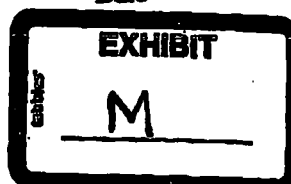
Under the authority granted by §11-35-4230(3) of the Code, the CPOC hereby approves the settlement agreement as set forth in Exhibit "B". Based on the parties' mutual good faith commitment to perform as set forth in the settlement agreement, the CPOC dismisses the joint request for resolution of a contract controversy.


John St. C. White

Chief Procurement Officer for Construction

13 Oct 09
Date

Columbia, South Carolina



STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

The South Carolina Procurement Code, in Section 11-35-4230, subsection 6, states:

(6) **Finality of Decision.** A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of the posting of the decision in accordance with Section 11-35-4230(5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel, or to the Procurement Review Panel, and must be in writing setting forth the reasons why the person disagrees with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and any affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or legal.

Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: www.procurementlaw.sc.gov

FILE BY CLOSE OF BUSINESS: Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 83.1 of the 2008 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4). . . . Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." 2008 S.C. Act No. 310, Part IB, § 83.1. PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, a business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).

BEFORE THE CHIEF PROCUREMENT OFFICER
FOR CONSTRUCTION, STATE OF SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA)
BUDGET & CONTROL BOARD, on)
behalf of The South Carolina Department of)
Agriculture, and WILBUR SMITH)
ASSOCIATES, INC.,)

Joint Petitioners.)

**JOINT REQUEST FOR
RESOLUTION OF CONTRACT
CONTROVERSY**

IN THE MATTER OF:)

Columbia Farmer's Market Relocation)
Project)
State Project No. P16-9509-MJ)

This is a request for resolution of contract controversy pursuant to S. C. Code Ann. § 11-35-4230 (Thomson West Supp. 2008). The Joint Petitioners are The South Carolina Budget and Control Board, acting on behalf of The South Carolina Department of Agriculture (collectively referred to as the "Department") and Wilbur Smith Associates, Inc. ("Wilbur Smith").

On or about August 11, 2005, the Department and Wilbur Smith (collectively, the "Parties") entered into a contract under which Wilbur Smith agreed to provide certain engineering services for the relocation of the South Carolina Farmer's Market from its current location on Bluff Road in Richland County, South Carolina to a new site on Shop Road in Richland County, South Carolina (the "Project"). The Parties subsequently executed at least three amendments to the initial contract. The initial contract and all subsequent amendments are referred to collectively as the "Contract."

The Project was cancelled in late 2007 for reasons beyond the control of the Parties, and the Department terminated the Contract for convenience.

A controversy arose concerning several matters, including the final amount Wilbur Smith is due for its work on the Project. Following mediation, the Parties resolved all disputes by mutual agreement, as reflected in the attached "Project Wrap-Up Agreement for the South Carolina Farmer's Market Shop Road Relocation Project."

NOW, THEREFORE, the Parties ask that the Chief Procurement Officer for Construction approve the attached "Project Wrap-Up Agreement for the South Carolina Farmer's Market Shop Road Relocation Project" and authorize its execution as the resolution of this controversy.

BARNES, ALFORD, STORK & JOHNSON, LLP

By: 

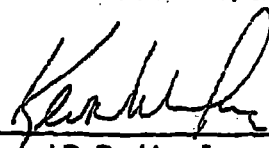
Robert T. Strickland
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
Phone: (803) 799-1111
Fax: (803) 254-1335

Attorneys for Wilbur Smith Associates, Inc.

August
July 27, 2009

Columbia, South Carolina

YOUNG CLEMENT RIVERS, LLP

By: 

for Edward D. Buckley, Jr.
28 Broad Street
Post Office Box 993
Charleston, SC 29402-0993
Phone: (843) 577-4000
Fax: (843) 579-1370

Attorneys for the State of South Carolina
Budget & Control Board, on Behalf of the
South Carolina Department of Agriculture

July 23, 2009

Charleston, South Carolina

FOI_QUE9.23.11Final

6/5/2009	Andrea Wray	\$1.25
6/5/2009	Andrea Wray	\$1.25
6/5/2009	Andrea Wray	\$2.50
6/5/2009	Pansy C. Wright	\$2.50
6/5/2009	Pansy C. Wright	\$5.00
6/5/2009	Pansy C. Wright	\$2.50
6/5/2009	Willie A. Wright-Johnson	\$5.00
6/5/2009	Jacqueline H. Wynne	\$10.00
6/5/2009	Jacqueline H. Wynne	\$5.00
6/5/2009	Jacqueline H. Wynne	\$10.00
6/5/2009	Nina M. Yarborough	\$2.50
6/5/2009	Nina M. Yarborough	\$2.50
6/5/2009	Joann Yarsinske	\$2.50
6/5/2009	Joann Yarsinske	\$2.50
6/5/2009	Mark Yost	\$2.50
6/5/2009	Mark Yost	\$2.50
6/5/2009	Crystal Nicholson	\$5.00
6/5/2009	Deirdre D. Young	\$5.00
6/5/2009	Deirdre D. Young	\$5.00
6/5/2009	My linda L. Young	\$20.00
6/5/2009	My linda L. Young	\$20.00
6/5/2009	Sharon W. Young	\$38.46
6/5/2009	Sheryl M. Young	\$5.00
6/5/2009	Gena B. McCullough	\$10.00
6/5/2009	Mindy M. Thompson	\$5.00
6/6/2009	Salley Redfearn	\$50.00
6/8/2009	Tony Denny	\$1,000.00
6/8/2009	John R. Roof	\$1,000.00
6/8/2009	Cash	\$1,050.00
6/8/2009	Cash	\$100.00
6/8/2009	PBT Communications	\$1,000.00
6/10/2009	LMC Extended Care	\$185.00
6/13/2009	Harriet Boozer	\$38.47
6/13/2009	Aubrey A. Bryant	\$38.47
6/13/2009	Todd Crump	\$38.47
6/13/2009	Adrian Langley	\$38.47
6/13/2009	Jeffrey A. Lohr	\$38.47
6/13/2009	Johnny Y. Smith	\$38.47
6/13/2009	Andrew R. Donato	\$38.47
6/13/2009	Patrick O'Malley	\$38.47
6/13/2009	Wesley H. Shuler	\$38.47
6/13/2009	Michael Nunnery	\$38.47
6/13/2009	Sean O'Meara	\$38.47
6/13/2009	Robert Mearns	\$38.47
6/13/2009	Richard P. Murray	\$38.47
6/13/2009	Carl J. Shealy	\$38.47
6/13/2009	Paul B. Shahbahrani	\$38.47
6/13/2009	Robert E. Sexton	\$38.47
6/13/2009	Brian P. Cline	\$38.47
6/13/2009	L. Todd Sease	\$1,000.00
6/13/2009	Lee Boguski	\$38.47
6/15/2009	SC State Credit Union	\$75.00
6/15/2009	Lexington County Sheriff	\$25.00
6/18/2009	Lexington Medical Center	\$200.00
6/18/2009	Jumper, Carter, Sease Ar	\$2,000.00
6/19/2009	Christal S. Abraham	\$5.00
6/19/2009	Denise V. Adams	\$2.50
6/19/2009	Denise V. Adams	\$2.50
6/19/2009	Javan B. Addy	\$2.50
6/19/2009	Javan B. Addy	\$2.50
6/19/2009	Maria C. Addy-Starino	\$1.65
6/19/2009	Maria C. Addy-Starino	\$1.65
6/19/2009	Maria C. Addy-Starino	\$1.70

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RaineyProd 0507

PROJECT WRAP-UP AGREEMENT FOR THE SOUTH CAROLINA FARMER'S MARKET SHOP ROAD RELOCATION PROJECT

This Project Wrap-Up Agreement ("Agreement"), dated September 28, 2009, is between WILBUR SMITH ASSOCIATES, INC. ("Wilbur Smith"), a Delaware corporation, and THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE, a political subdivision of the State of South Carolina (the "Department").¹ Wilbur Smith and the Department may be referred to herein individually as "Party" and collectively as the "Parties."

RECITALS

On or about August 11, 2005, the Parties entered into a contract under which Wilbur Smith, in exchange for payment by the Department, would provide engineering services related to the relocation of the South Carolina Farmer's Market from its current location on Bluff Road in Richland County, South Carolina to a new site located on Shop Road in Richland County, South Carolina (the "Project"). The Parties subsequently executed at least three amendments to the initial contract; the initial contract and all subsequent amendments are referred to collectively as the "Contract."

The Project was cancelled in late 2007 for reasons beyond the control of the Parties, and the Department terminated Wilbur Smith's Contract for convenience.

The Parties now wish to enter into this Agreement to wrap up and close out the Project.

All parties understand and agree that the execution and performance of this agreement is contingent upon the approval by the Chief Procurement Officer of the State Budget & Control Board, in accordance with S.C. Code § 11-35-4230.

TERMS OF AGREEMENT

NOW, THEREFORE, in consideration of the promises and covenants contained herein, and such other valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties agree as follows:

¹ Joint Resolution R 240, passed by the South Carolina General Assembly and delivered to the Secretary of State on June 25, 2008, authorized the Commissioner of Agriculture to terminate the Project that is the subject of this Agreement and to resolve any related disputes.

1. Partial Refund to the Department by Wilbur Smith.

In recognition of the Project's cancellation for reasons beyond the Parties' control, and as a courtesy to the Department, Wilbur Smith agrees to refund Forty Thousand and no/100 (\$40,000.00) Dollars of its fee to the Department. The Department acknowledges receipt of Wilbur Smith's check number 1044215 for that amount. Wilbur Smith shall retain all other payments received, whether for fees, costs, or otherwise.

2. Use of Work Product Created for the Project.

A. Building Plans

Plans, drawings, and specifications for the buildings that were to be a part of the finished Project were prepared by GMK, Inc., an architectural firm Wilbur Smith utilized as a subcontractor on the Project. Any authorization to utilize any work product, plans, drawings, specifications, concept, design materials and other documents concerning the Project's buildings ("GMK Design Documents") must be obtained directly from GMK, Inc. Wilbur Smith has no objection to the Department obtaining any such authorization from GMK, Inc.; provided, however, the Department and its assignees assume the risk of any loss, injury, or damage resulting from the use of the GMK Design Documents and agree Wilbur Smith shall have no liability whatsoever arising from such use.

B. Site Engineering Plans.

The Department acknowledges that Wilbur Smith did not furnish signed and sealed site plans ready for construction, as the Project was terminated by the Department for convenience before those plans were completed. Wilbur Smith agrees to allow the Department to utilize the incomplete work product, drawings, concept, design materials and other documents pertaining to the site preparation, drainage, access, utilities and roadways ("Wilbur Smith Site Plans") for the sole purpose of establishing the general nature and extent of improvements made to the subject property during the term of the Farmer's Market Project in connection with the ongoing litigation between the Department and Richland County. Wilbur Smith makes no warranties or other representation as to the accuracy or completeness of the Wilbur Smith Site Plans. The Department and its assignees further assume the risk of any loss, injury, or damage resulting from any use of the Wilbur Smith Site Plans and agree Wilbur Smith shall have no liability whatsoever arising from such use.

3. Termination of Contract.

The Parties acknowledge that all work and other services required of Wilbur Smith for the Project, whether under the Contract or otherwise, have been performed, or else performance

has been waived. The Parties agree that no further work or other services are required of Wilbur Smith concerning the Project, and the Contract is hereby deemed terminated by the Department for convenience.

4. **Mutual Release of Claims.**

The Parties wish to confirm that there are no remaining unresolved claims by and between them related to or arising from the Project. Any and all claims, whether real or imagined, actual or threatened, have been amicably resolved. Pursuant to that agreement, the Parties hereby execute the following releases:

a. **Release of Claim by Wilbur Smith.**

For and in consideration of the releases of claims by the Department under Section 4(b) of this Agreement, the receipt and sufficiency of which are acknowledged, Wilbur Smith hereby releases and forever discharges the Department and its subdivisions, officers, representatives, servants, and past and present employees (the "**Department Released Parties**") from any and all suits, demands, actions, causes of action, and/or claims of any kind or nature whatsoever that are in any way related to or arise from the Project. The consideration expressed herein constitutes compensation in full to Wilbur Smith for any and all alleged damages, losses, and/or injuries to persons or property or both, whether known or unknown, developed or undeveloped, related to or arising from the Project.

b. **Release of Claims by the Department.**

For and in consideration of the release of claims by Wilbur Smith under Section 4(a) of this Agreement, and the refund recited in Section 1, the receipt and sufficiency of which are acknowledged, the Department hereby releases and forever discharges Wilbur Smith and its predecessors in interest, successors, assigns, agents, officers, directors, shareholders, partners, parent companies, subsidiary and affiliated companies, representatives, servants, and past and present employees (the "**Wilbur Smith Released Parties**") from any and all suits, demands, actions, causes of action, and/or claims of any kind or nature whatsoever that are in any way related to or arise from the Project. The consideration expressed herein constitutes compensation in full to the Department for any and all alleged damages, losses, and/or injuries to persons or property or both, whether known or unknown, developed or undeveloped, related to or arising from the Project.

5. Denials of Liability.

The delivery and acceptance of the consideration expressed herein and the execution of this Agreement are purely for the purpose of wrapping up and closing out the Project. Neither the execution of this Agreement nor the delivery and acceptance of any consideration given under this Agreement shall be construed as an admission of liability by any Party, as the Parties expressly deny liability to one another.

6. Miscellaneous.

- (a) This Agreement shall be binding on and inure to the benefit of the Parties, their agencies, subdivisions, insurers, sureties, officers, directors, agents, representatives, servants, employees, shareholders, partners, parent companies, subsidiary and affiliated companies, successors, and assigns.
- (b) All Parties have participated in negotiating and drafting this Agreement. This Agreement is to be construed as if the Parties had drafted it jointly, as opposed to being construed against a Party because it was responsible for drafting one or more provisions of this Agreement.
- (c) The numberings and headings preceding the text of each Section of this Agreement are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Agreement.
- (d) This Agreement may be executed on separate signature pages which may be combined to make a complete agreement.

7. Governing Law.

This Agreement and any dispute, claim, or controversy relating to the Agreement shall, in all respects, be interpreted, construed, enforced and governed by and under the laws of the State of South Carolina. All disputes, claims, or controversies relating to the Agreement shall be resolved exclusively by the appropriate Chief Procurement Officer in accordance with Title 11, Chapter 35, Article 17 of the South Carolina Code of Laws, or in the absence of jurisdiction, only in the Court of Common Pleas for, or a federal court located in, Richland County, State of South Carolina. The Parties agree that any act by the Government regarding the Agreement is not a waiver of either the Government's sovereign immunity or the Government's immunity under the Eleventh Amendment of the United States Constitution.

8. Entire Agreement.

This Agreement sets forth the entire agreement and understanding between the Parties relating to the subject matter hereof and may not be amended except in a writing signed by the

Parties' authorized representatives. There are no other agreements, understandings, representations, or warranties, express or implied, statutory or otherwise, in any way limiting, extending, defining, or relating to the provisions hereof. Any prior negotiations, correspondence, memoranda, or other agreements relating to the subject matter hereof are superseded in total by this Agreement.

9. Signatory Representations.

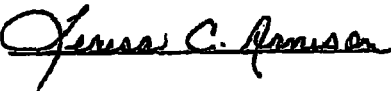
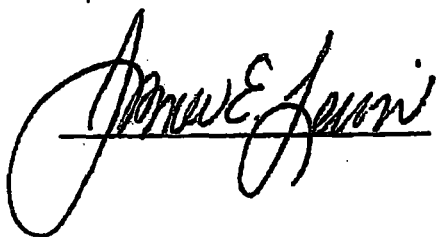
Each signatory to this Agreement warrants and represents as follows:

- (a) He or she has read this Agreement, fully understands its terms, and understands it to be a full, final, and binding agreement;
- (b) He or she has sought and received the advice of legal counsel prior to executing this Agreement; and
- (c) He or she is fully authorized to execute this Agreement on behalf of the Party for whom he or she signs.

IN WITNESS HEREOF, the parties have executed this Agreement on the date appearing next to the signature affixed by their duly authorized agents.

WITNESSES:

WILBUR SMITH ASSOCIATES, INC.

By:  (SEAL)
M. Stevenson Smith, P.E.
Chairman and CEO

Date: September 23, 2009

SIGNATURES CONTINUE ON NEXT PAGE

WITNESSES:

**THE SOUTH CAROLINA DEPARTMENT OF
AGRICULTURE**

Maria H. Lybrand

Raymond Pike

By: Hugh E. Weathers (SEAL)
Hugh E. Weathers
Commissioner

Date: Sep 28, 2009

END OF SIGNATURES AND END OF AGREEMENT

Nikki Haley

From: Nikki Haley
Sent: Monday, September 29, 2008 8:24 AM
To: Anthony J. Meyer, Jr.
Subject: Re: Today

Done. I will let you know as we go through the day what gets confirmed. What is the number amount we need to raise after the corp tables?

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

From: Anthony Meyer
To: Nikki Haley
Subject: RE: Today
Sent: Sep 29, 2008 8:21 AM

Ok just reference that you know he pulled me aside on thurs and asked me to call thx

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

From: "Nikki Haley" <nrhaley@lexhealth.org>
To: "Anthony Meyer" <ajmeyer@lexhealth.org>
Sent: 9/29/2008 8:19 AM
Subject: Re: Today

I will call him.

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

From: Anthony Meyer
To: Nikki Haley
Subject: RE: Today
Sent: Sep 29, 2008 8:04 AM

That is what he mentioned i plan to ask him to consider more than that. would a call from you be better than one from me ?

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

From: "Nikki Haley" <nrhaley@lexhealth.org>
To: "Anthony Meyer" <ajmeyer@lexhealth.org>
Sent: 9/29/2008 8:00 AM
Subject: Re: Today

So he only did a corp table right?

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

From: Anthony Meyer
To: Nikki Haley
Subject: RE: Today
Sent: Sep 29, 2008 7:37 AM

Yes he was one of the hospital board members who stepped up on thurs night just fyi am in this morning then in chas this afternoon and tuesday

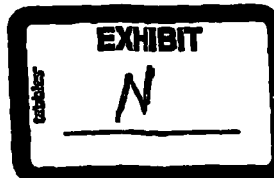
-----Original Message-----

From: "Nikki Haley" <nrhaley@lexhealth.org>
To: "Anthony Meyer" <ajmeyer@lexhealth.org>
Sent: 9/29/2008 7:33 AM
Subject: Today

Anthony,

I have some calls out working on these sponsorships and will try and get some confirmation this am. Did Time Warner do anything? I was going to call Dan but wanted to check with you first.

Thanks.



RaineyProd 0095

Nikki
Sent from my Verizon Wireless BlackBerry

Sent from my Verizon Wireless BlackBerry

Sent from my Verizon Wireless BlackBerry

Sent from my Verizon Wireless BlackBerry

Nikki Haley

From: Anthony J. Meyer, Jr.
Sent: Monday, September 29, 2008 9:33 AM
To: Nikki Haley
Subject: RE: Today

Here is what I have -

Mungo - 20K
McCrory - 5K
Perkins and Will 1K
Todd Sease 5K
SCB&T 2,500

Pending -
Michelin
Time Warner
BB&T
Blue Cross
Mashburn

Corp Tables -
Bert Dooley
Fred Johnston
Donny Burkatt
Ted McGee
Jimmy Shealey

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

From: Nikki Haley
Sent: Monday, September 29, 2008 7:35 AM
To: Anthony J. Meyer, Jr.
Subject: Today

Anthony,

I have some calls out working on these sponsorships and will try and get some confirmation this am. Did Time Warner do anything? I was going to call Dan but wanted to check with you first.

Thanks.

Nikki

Sent from my Verizon Wireless BlackBerry



Nikki Haley

From: Erin Pope
Sent: Wednesday, August 12, 2009 11:01 AM
To: 'KIM.WELLMAN@bcbssc.com'
Cc: Nikki Haley
Subject: RE: contribution confirmation
Kim,

I have forwarded this to my accounting department and will get an answer for you quickly.

Thanks so much for the follow up! Erin

Erin M. Pope
Lexington Medical Center Foundation
803.936.7108

From: KIM.WELLMAN@bcbssc.com [mailto:KIM.WELLMAN@bcbssc.com]
Sent: Wednesday, August 12, 2009 10:25 AM
To: Erin Pope
Cc: Nikki Haley
Subject: contribution confirmation

We are waiting to process our contribution to the Lee Trevino event because we need info on the "fair market value" of our donation for our accounting records ... In other words, what was the value of what we received (dinner/reception costs, etc) for the donation we gave. Normally we have folks fill out the attached form to explain that ... can you either fill out the form and fax back to me (284-5520) or just e-mail me back what you think the fair market value would be?

Thanks!

Kim Wellman, APR
AVP, Corporate Communications
BlueCross BlueShield of South Carolina
1-20 @ Alpine Road, AX-220
Columbia, SC 29219

(803) 284-1011
(800) 288-2227, ext. 41011
Fax: (803) 284-5520



9/12/2011

RaineyProd 0130

Tim James

From: Nikki Haley [nikki_haley@yahoo.com]
Sent: Monday, September 28, 2009 10:28 AM
To: Tim James; nikk_haley@yahoo.com
Subject: Week ending 9/25/09
For the week ending 9/25/09:

Meeting at LMC at 8:30-11:30 with Alisa and Tony:
Started discussion on Doctors Reception. Set date for 11/12/09.
Discussed upcoming dates: Womens Night Out, computer training
Discussed office supply order by year end and past dues
Discussed board meeting presentation for Dr. Cate

Correspondence:

Sent Tim emails on info relating to Dr. Cate's presentation to the Board
Doctors Circle Reception; date, sponsors, location, and past due concerns
Confirmed date of Doctors Circle with Dena
Confirmed reservation of the Meridian with Thad and Tim

Conversations:

Ben Arnold Distributors
Dr. Skeet Burris
Dr. Raj Vasudeva
Dr. Nieri
Thad Westbrook



9/7/2011

RaineyProd 0215

Tim James

From: nikki_haley@yahoo.com
Sent: Tuesday, December 15, 2009 9:21 AM
To: Tim James
Subject: Re: Chat

Sounds good! Enjoy the day.

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

From: Tim James
To: nikki_haley@yahoo.com
Subject: Re: Chat
Sent: Dec 15, 2009 9:11 AM

Still in Charleston, maybe we can talk via phone late today?
Thank you!
Tim

Timothy M. James
Vice President & Exec. Director
Lexington Medical-Foundation

Sent from my iPhone

On Dec 15, 2009, at 7:50 AM, "nikki_haley@yahoo.com" <nikki_haley@yahoo.com> wrote:

> Tim,
>
> Pls let me know what times you are avail to chat today. I would like
> to get updated on wilkins. Once I know it is a "go" I want to confirm
> with his office and start gathering sponsorships. Hope all went well
> yesterday in Chas.
>
> N-
> Sent from my Verizon Wireless BlackBerry
>

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Sent from my Verizon Wireless BlackBerry



Tim James

From: Tim James
Sent: Monday, January 04, 2010 12:16 PM
To: nikki_haley@yahoo.com
Subject: RE: Bar sponsor

Super! Thanks
Tim

Timothy M. James
Vice President/Executive Director
Lexington Medical Center Foundation
803.791.2540

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

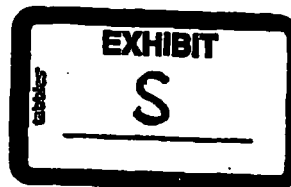
From: nikki_haley@yahoo.com [mailto:nikki_haley@yahoo.com]
Sent: Monday, January 04, 2010 12:15 PM
To: Tim James; Erin Pope; Tony Payne; Patti Williams
Subject: Bar sponsor

Ben Arnold has agreed to donate wine and spirits for our Sponsor reception. They have also agreed to forego an entire table and only need two seats. Erin, I think you have Mike Sisk info on file.

Thanks.

N-

Sent from my Verizon Wireless BlackBerry



Tim James

From: Nikki Haley [nikki_haley@yahoo.com]
Sent: Thursday, January 07, 2010 12:42 PM
To: Tim James
Subject: Wrap up

Tim,

As session starts, I will continue to make Monday morning meetings, Ambassador mornings, and Board meetings. I won't be able to make Thursday wrap up meetings as often as like today many of our receptions and meetings are Tues, wed, and thursdays. I will always send emails letting you know status updates as they occur. I have been on the phone with sponsors and am trying to close our major sponsor for the event.

I have requested from the Ambassador's office a backdrop and theme ideas for the event.

Please let me know any questions or updates that you have at anytime.

Thanks,
Nikki



9/7/2011

RaineyProd 0255

0783

Tim James

From: Tim James
Sent: Monday, January 11, 2010 3:52 PM
To: nikki_haley@yahoo.com
Subject: RE: Sponsor

You go girl!

Also, FYI....did you know that Debbie Summers (County Council) mother-in-law passed away...

Timothy M. James
Vice President/Executive Director
Lexington Medical Center Foundation
803.791.2540

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

From: nikki_haley@yahoo.com [mailto:nikki_haley@yahoo.com]
Sent: Monday, January 11, 2010 3:39 PM
To: Tim James; Erin Pope; Tony Payne; Patti Williams
Subject: Sponsor

We got AT&T for \$10k

N-
Sent from my Verizon Wireless BlackBerry



Tim James

From: nikk_haley@yahoo.com
Sent: Tuesday, January 12, 2010 2:21 PM
To: Tim James; Erin Pope; Tony Payne; Patti Williams
Subject: New Sponsor

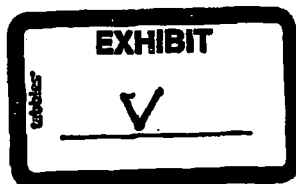
We just got Time Warner's sponsorship at \$5k. Erin, contact Dan Jones.

Fyi...saw the Ambassador today. He is very excited about the event.

Thanks.

N-

Sent from my Verizon Wireless BlackBerry



Tim James

From: nkkd_haley@yahoo.com
Sent: Monday, January 18, 2010 10:29 AM
To: Tim James; Erin Pope; Tony Payne; Patti Williams
Subject: Sponsor

Just signed CFSA for \$5k. Erin I think you worked with Terry Gwynn last year. Pls email her amount, date, time, and who to make check out to and address.

Thanks.

N-

Sent from my Verizon Wireless BlackBerry



Tim James

From: Nikki Haley [nikki_haley@yahoo.com]
Sent: Tuesday, January 19, 2010 10:50 AM
To: Tim James; Tony Payne; Erin Pope
Subject: Fw: Lee Trevino Sponsors
 Also i have contacted Steven Mungo

----- Forwarded Message -----

From: Nikki Haley <nikki_haley@yahoo.com>
To: Erin Pope <empope@lexhealth.org>
Cc: Tim James <Timjames@lexhealth.org>; Tony Payne <ampayne@lexhealth.org>
Sent: Tue, January 19, 2010 10:46:27 AM
Subject: Re: Lee Trevino Sponsors

Per your request on which of these I have been in contact with. I have made contact with the following:

Ted McGee
 Tony Denny
 John Roof
 Fred West
 Brent Mackie
 Fred Johnston
 Nelson Mullins
 Michelin
 BCBS
 Jumper Carter
 AT&T
 Scott Middleton

From: Erin Pope <empope@lexhealth.org>
To: nikki_haley@yahoo.com
Sent: Tue, January 19, 2010 10:04:29 AM
Subject: Lee Trevino Sponsors

Burkett Donny Mr. Corporate Table Burkett, Burkett and Burkett CPA's
 McGee Ted O. Mr. Corporate Table- beside John Roof McGee Real Estate Co., Inc.
 Denny Tony Mr. Corporate Table Denny Public Affairs
 Roof John Mr. Corporate Table- beside Ted McGee Roof Realty
 Dooley Bert Mr. and Mrs. Corporate Table Bert and Cindy Dooley
 Long Hubert Mr. Corporate Table BB&T
 West Fred Mr. Corporate Table Amick Farms
 Mackie Brent Mr. Corporate Table SCB&T
 Harman Tommy Mr. Corporate Table PBT Communications
 Johnston Fred Mr. Corporate Table
 Middleton Scott Mr. Corporate Table Agape Senior Care
 Sisk Mike Mr. Corporate Table Ben Arnold Beverage Company
 Williams Barbara Ms. Corporate Table Mashburn Construction Company
 Crutfield Randy Mr. Corporate Table Michelin Tire
 Westbrook Thad Mr. Corporate Table Nelson Mullins Riley & Scarborough

9/7/2011



RaineyProd 0252

Nikki Haley

From: Tony Payne

Sent: Tuesday, January 19, 2010 5:13 PM

To: Burkett, Donny ; Mungo, Steven ; Staton, Mary ; Black, Anne; McGee, Tad ; Pooser, Bert; Randall Suarez; Roof, John; Robert Callis, MD; Novinger, Cathy; Long, Huey ; Leventis, Athena; Wallace, Butch; Drafts, George ; Dooley, Bert; Mackie, Brent ; Knight, Debbie ; Stillwell, Bill; Cate, Dr. Vasa ; Whitehead, Rella ; Johnston, Fred

Cc: Nikki Haley; Tim James; Patti Williams; Erin Pope

Subject: Speaker Series - LMC Foundation

Good afternoon everyone! I hope you're having a great day today!!

As you all know, our next Lexington Medical Center Foundation Speakers Series event is roughly six weeks away, and we're excited to have one of South Carolina's favorite son's as our guest speaker, *Ambassador to Canada, Mr. David Wilkins*. It's going to be an entertaining event and one in which all who attend will be supporting the Lexington Medical Center Foundation.

As we're pushing forward in the planning process, I am happy to report that AT&T, Time Warner, CFSA and Ben Arnold have agreed to be event sponsors. I'm also happy to report that through your support several corporate tables have already been sold. With all this achieved, there is still much to be done; therefore I'd like to ask for each Board member's assistance in securing at least one corporate table sponsor for the event. Corporate table sponsorships are \$1000, which will provide the sponsor with a VIP table, 2 VIP tickets to meet Ambassador Wilkins and promotional opportunities at the event.

A successful Speaker Series is a great opportunity for the Foundation to increase its finances, thus allowing for more opportunities to support the programs and projects throughout our hospital district. But in order to do that, corporate sponsorships are a must, which will cover the cost of the event and allow for a profitable outcome. *With your help, we can do this!*

If you need any help in securing a corporate table sponsor, please let me know as we are happy to help in anyway possible!

Thanks so much for all that you do for the Lexington Medical Center and our Foundation.

Tony Payne
Development Manager
803-936-8208



9/12/2011

RaineyProd 0127

Fulmer Jamie Mr. \$10,000 Sponsorship Community Financial Services Association
Bowers Haley Ms. Corporate Table M.B. Kahn Construction Company
Hammond Rick Mr. Corporate Table State Credit Union
Sellers Ed Mr. \$20,000 Sponsorship Blue Cross Blue Shield of SC
Sease Todd Mr. Corporate Table (2) Jumper, Carter, Sease

Erin M. Pope

Annual Giving Manager

Lexington Medical Center Foundation

2720 Sunset Boulevard

West Columbia, SC 29169

P: 803.936.7108

F: 803.936.8066

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9/7/2011

RaineyProd 0253

Tim James

From: Nikki Haley [nikki_haley@yahoo.com]

Sent: Tuesday, January 26, 2010 4:05 PM

To: Tony Payne; Erin Pope; Tim James

Co: nikki_haley@yahoo.com

Subject: Sponsor Update

These are the sponsors I have to date:

AT&T \$10k Henrietta Baskins

CPFA \$5k Contact on file

Mungo \$5k Steven Mungo

Time Warner \$5k Dan Jones

McCrory Const \$2500

VIP sponsor recep: In kind Ben Arnold ... Mike Sisk

Corp tables:

Ted McGee \$1k

John Roof \$1k

Jumper Carter Sease \$1k (Todd Sease)

Nelson Mullins \$2k (Erin has contact)

Amieck Farms \$1k (Fred West)

Burkett CPA \$1k (Donnie Burkett)

Total committed so far: \$35,500 plus in kind for vip sponsor reception.

Still waiting on others to process paperwork. Erin, I am pushing as hard as I can to get Presenting sponsor. Please let me know if any of you have questions. I will keep working.

Thanks,
Nikki



9/7/2011

RaineyProd 0249

Tim James

From: Nikki Haley [nikki_haley@yahoo.com]

Sent: Wednesday, January 27, 2010 3:16 PM

To: Tim James; Tony Payne; Erin Pope; Patti Williams; nikki_haley@yahoo.com

Subject: Sponsor update

I just got Blue Cross Blue Shield as our presenting sponsor for Ambassador Wilkins at \$20k

This is our latest update:

These are the sponsors I have to date:

BCBS \$20k (Erin has contact and logo)

AT&T \$10k Henrietta Baskins

CFSA \$5k Contact on file

Mungo \$5k Steven Mungo

Time Warner \$5k Dan Jones

McCrary Const \$2500

VIP sponsor recep: In kind Ben Arnold . . . Mike Sisk

Corp tables:

Ted McGee \$1k

John Roof \$1k

Jumper Carter Sease \$1k (Todd Sease)

Nelson Mullins \$2k (Erin has contact)

Amick Farms \$1k (Fred West)

Burkett CPA \$1k (Donnie Burkett)

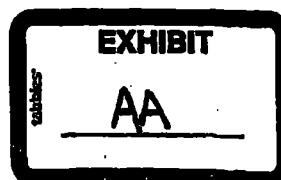
Consultants in Gastroenterology \$1k (Doreen Orth)

Total committed so far: \$56,500 plus in kind for vip sponsor reception.

I will continue to stay in touch with updates.

Thanks,

N-



9/7/2011

RaineyProd 0248

FOI_QUER9.23.11Final

11/7/2008	James F. Williams	\$5.00
11/7/2008	Kevin S. Williams	\$2.50
11/7/2008	Kevin S. Williams	\$2.50
11/7/2008	Natasha Williams	\$5.00
11/7/2008	Patti M. Williams	\$20.00
11/7/2008	Patti M. Williams	\$20.00
11/7/2008	Stacy D. Williams	\$2.50
11/7/2008	Stacy D. Williams	\$2.50
11/7/2008	Stephanie L. Dix	\$0.00
11/7/2008	Stephanie L. Dix	\$0.00
11/7/2008	Vanessa Williams	\$5.00
11/7/2008	Alynda F. Williamson	\$5.00
11/7/2008	Joann Williamson	\$0.00
11/7/2008	Deborah A. Wilson	\$5.00
11/7/2008	Karen B. Campbell	\$5.00
11/7/2008	Kenneth P. Winburn	\$5.00
11/7/2008	Jennifer P. Winchester	\$12.70
11/7/2008	Jennifer P. Winchester	\$12.70
11/7/2008	Jennifer P. Winchester	\$13.06
11/7/2008	Kathleen Winfield	\$5.00
11/7/2008	Stella Wisner	\$5.00
11/7/2008	Susanne A. Wolfe	\$5.00
11/7/2008	Danise A. Workman	\$5.00
11/7/2008	Florence C. Wright	\$5.00
11/7/2008	Pansy C. Wright	\$2.50
11/7/2008	Pansy C. Wright	\$2.50
11/7/2008	Willie A. Wright-Johnson	\$5.00
11/7/2008	Jacqueline H. Wynne	\$10.00
11/7/2008	Jacqueline H. Wynne	\$5.00
11/7/2008	Jacqueline H. Wynne	\$10.00
11/7/2008	Nina M. Yarborough	\$2.50
11/7/2008	Nina M. Yarborough	\$2.50
11/7/2008	Joann Yarsinske	\$2.50
11/7/2008	Joann Yarsinske	\$2.50
11/7/2008	Mark Yost	\$2.50
11/7/2008	Mark Yost	\$2.50
11/7/2008	Crystal Nicholson	\$5.00
11/7/2008	Deirdre D. Young	\$2.50
11/7/2008	Deirdre D. Young	\$2.50
11/7/2008	My linda L. Young	\$20.00
11/7/2008	My linda L. Young	\$20.00
11/7/2008	Gena B. McCullough	\$5.00
11/7/2008	Mindy M. Thompson	\$5.00
11/10/2008	Steven W. Mungo	\$20,000.00
11/10/2008	Midlands Gastroenterolog	\$1,000.00
11/11/2008	Wachovia Bank, N. A.	\$500.00
11/11/2008	Michelin	\$2,500.00
11/11/2008	Lincoln Financial Group	\$500.00
11/11/2008	Fred B. Johnston	\$2,500.00
11/11/2008	John R. Roof	\$500.00
11/11/2008	SC State Credit Union	\$2,500.00
11/11/2008	Ted O. McGee	\$200.00
11/11/2008	Dennis G. O'Connor	\$50.00
11/11/2008	James W. Derrick	\$100.00
11/11/2008	Shealy and Sons Electric	\$500.00
11/11/2008	George H. Fann	\$100.00
11/11/2008	Ascension Hospice, Inc.	\$200.00
11/11/2008	Aubrey A. Bryant	\$100.00
11/11/2008	Jackson Brothers Farms	\$500.00
11/11/2008	Lyman Whitehead	\$100.00
11/11/2008	McCrory Construction Com	\$5,000.00
11/11/2008	Paul H. Clifton	\$100.00
11/11/2008	L. Todd Sease	\$5,000.00

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EXHIBIT

BB

RaineyProd 0482

FOI_QUER9.23.11Final

11/11/2008	Barbara C. Powell	\$150.00
11/11/2008	Time Warner Cable	\$5,000.00
11/11/2008	William E. Stilwell	\$400.00
11/11/2008	Martha J. Leighty	\$100.00
11/11/2008	Perkins & Will	\$1,000.00
11/11/2008	Louise Hall	\$50.00
11/11/2008	Amick Farms	\$1,000.00
11/11/2008	David Murray	\$100.00
11/11/2008	Systemtec	\$500.00
11/11/2008	Chanda Horne	\$100.00
11/11/2008	Comporium	\$500.00
11/11/2008	Ann Epting	\$100.00
11/11/2008	Ashley A. Hagenburger	\$100.00
11/11/2008	Gwendolyn Drakeford	\$200.00
11/11/2008	BB&T Insurance Company	\$500.00
11/11/2008	Blue Cross Blue Shield o	\$10,000.00
11/11/2008	Roger L. Sipe	\$50.00
11/11/2008	Jessica Whetstone	\$100.00
11/11/2008	Elizabeth Jackson	\$100.00
11/11/2008	Carmen Carver	\$150.00
11/11/2008	Timothy Wingo	\$100.00
11/11/2008	US Foodservice	\$800.00
11/11/2008	Linda P. Huff	\$100.00
11/11/2008	Stephanie Phoenix	\$100.00
11/11/2008	Mitchell Draper	\$100.00
11/11/2008	April Cunningham	\$100.00
11/11/2008	Barbara R. O'Brien	\$150.00
11/11/2008	Susan G. Drake	\$50.00
11/11/2008	Elisa Aguayo	\$100.00
11/11/2008	Stephanie Williams	\$100.00
11/11/2008	Phillip Gregory	\$100.00
11/11/2008	Kerri Fischer	\$150.00
11/11/2008	Fred Leach	\$100.00
11/11/2008	Cindy Long	\$50.00
11/11/2008	Rudy Fleischhacker	\$400.00
11/11/2008	Pamela D. Shull	\$100.00
11/11/2008	Cheryl M. Hull	\$50.00
11/11/2008	Reese Quick	\$100.00
11/11/2008	Bradley Saunders	\$100.00
11/11/2008	Deborah S. Whetsell	\$150.00
11/11/2008	Wallace Dankmyer	\$200.00
11/11/2008	Linda G. Till	\$200.00
11/11/2008	Carol M. Jodie	\$100.00
11/11/2008	Kyle Snipes	\$150.00
11/11/2008	David Yohan	\$100.00
11/11/2008	William Sipes	\$100.00
11/11/2008	Julie Hicks	\$500.00
11/11/2008	Ray Johnson	\$200.00
11/11/2008	Travien Capers	\$50.00
11/11/2008	George R. Drafts	\$500.00
11/12/2008	Carol Stephens	\$35.00
11/12/2008	LMC Extended Care	\$124.50
11/13/2008	Albert J. Dooley	\$300.00
11/13/2008	BB&T	\$33.34
11/13/2008	Charles F. Crews	\$100.00
11/14/2008	Frank Shumpert	\$100.00
11/17/2008	Dwight Reynolds	\$1,000.00
11/18/2008	Smita Patel	\$100.00
11/18/2008	Brenda T. Wheeler	\$200.00
11/18/2008	Joel B. Huggins	\$40.00
11/18/2008	Anne Boyce	\$115.00
11/18/2008	Jayne Gimber	\$50.00
11/18/2008	Martha S. Kneece	\$100.00

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FOI_QUER9.23.11Final

11/18/2008	L.D. Freeman	\$100.00
11/18/2008	Joseph R. Machos	\$100.00
11/18/2008	Paul Winkler	\$500.00
11/18/2008	Ann K. Amick	\$150.00
11/18/2008	PBT Communications	\$500.00
11/19/2008	Community Solutions Asso	\$50.00
11/19/2008	Rosemary Chapman	\$50.00
11/19/2008	Corinne Herndon	\$100.00
11/19/2008	Northeast Fabricators, I	\$50.00
11/19/2008	Betty S. McWhorter	\$5,000.00
11/20/2008	Resourceone Health Manag	\$500.00
11/20/2008	Burkett Financial Servic	\$500.00
11/20/2008	Don B. McKnight	\$2,500.00
11/20/2008	SCBT, N.A.	\$2,500.00
11/21/2008	Maria C. Addy-Starino	\$1.67
11/21/2008	Maria C. Addy-Starino	\$1.66
11/21/2008	Maria C. Addy-Starino	\$1.67
11/21/2008	Stacie M. Lewis	\$2.50
11/21/2008	Stacie M. Lewis	\$2.50
11/21/2008	Earl Alewine	\$3.00
11/21/2008	Earl Alewine	\$2.00
11/21/2008	Kimbla S. Alexander	\$5.00
11/21/2008	Reba H. Allison	\$5.00
11/21/2008	Connie L. Allman	\$2.50
11/21/2008	Connie L. Allman	\$2.50
11/21/2008	William H. Altman	\$19.23
11/21/2008	William H. Altman	\$5.77
11/21/2008	William H. Altman	\$13.46
11/21/2008	Brenda W. Amick	\$2.50
11/21/2008	Brenda W. Amick	\$2.50
11/21/2008	Carmen C. Amick	\$5.00
11/21/2008	Christina Amick	\$3.75
11/21/2008	Christina Amick	\$1.25
11/21/2008	Karen Amick	\$5.00
11/21/2008	Barbara J. Anderson	\$5.00
11/21/2008	Camila K. Anderson	\$1.25
11/21/2008	Camila K. Anderson	\$1.25
11/21/2008	Camila K. Anderson	\$2.50
11/21/2008	Deborah A. Brown	\$5.00
11/21/2008	Pamela G. Anderson	\$5.00
11/21/2008	Rachel L. Anick	\$5.00
11/21/2008	Lisa L. Antley-Hearn	\$5.00
11/21/2008	Sheryl A. Arms	\$5.00
11/21/2008	David A. Arndt	\$20.00
11/21/2008	David M. Arrington	\$19.23
11/21/2008	David M. Arrington	\$19.23
11/21/2008	Sharon B. Warner	\$5.00
11/21/2008	Kay S. Austin	\$60.00
11/21/2008	Kay S. Austin	\$60.00
11/21/2008	Timothy C. Ayer	\$5.00
11/21/2008	Marleah Ann Ayers	\$5.00
11/21/2008	Debra S. Azarowicz	\$5.00
11/21/2008	Debra S. Azarowicz	\$5.00
11/21/2008	Patricia L. Bacon	\$10.00
11/21/2008	Faye S. Baker	\$2.50
11/21/2008	Faye S. Baker	\$2.50
11/21/2008	Michelle Baker	\$0.00
11/21/2008	Michelle Baker	\$0.00
11/21/2008	Lynn D. Baldwin	\$5.00
11/21/2008	Cheryl S. Ballentine	\$5.00
11/21/2008	Aline L. Banks	\$5.00
11/21/2008	Audra Barefoot	\$2.50
11/21/2008	Audra Barefoot	\$2.50

		FOI_QUER9.23.11Final
12/9/2008	Glen F. Strickland	\$100.00
12/9/2008	Herbert J. Hames	\$100.00
12/9/2008	Bryan Kernen	\$100.00
12/9/2008	Robert M. Callis	\$50.00
12/9/2008	Thomas Johnson	\$100.00
12/9/2008	Jane Macaulay	\$50.00
12/9/2008	John Gardner	\$250.00
12/9/2008	Vasa W. Cate	\$100.00
12/9/2008	Beth M. Sirotty-Smith	\$100.00
12/9/2008	John B. Carter	\$400.00
12/11/2008	LMC Extended Care	\$130.50
12/11/2008	George W. Hopkins	\$100.00
12/11/2008	George H. Fann	\$1,000.00
12/11/2008	Mid-Carolina Electric Co	\$10,000.00
12/12/2008	Bonner Family Private Fo	\$10,000.00
12/12/2008	Diane Hunt	\$20.00
12/12/2008	Mark Davis	\$25.00
12/12/2008	Patricia Stanton	\$25.00
12/16/2008	Todd Crump	\$100.00
12/16/2008	AT&T	\$2,500.00
12/18/2008	Barbara R. Dekle	\$200.00
12/19/2008	Lillie E. Bates	\$300.00
12/19/2008	Maria C. Addy-Starino	\$1.67
12/19/2008	Maria C. Addy-Starino	\$1.66
12/19/2008	Maria C. Addy-Starino	\$1.67
12/19/2008	Stacie M. Lewis	\$2.50
12/19/2008	Stacie M. Lewis	\$2.50
12/19/2008	Earl Alewine	\$3.00
12/19/2008	Earl Alewine	\$2.00
12/19/2008	Kimbla S. Alexander	\$5.00
12/19/2008	Reba H. Allison	\$5.00
12/19/2008	Connie L. Allman	\$2.50
12/19/2008	Connie L. Allman	\$2.50
12/19/2008	William H. Altman	\$19.23
12/19/2008	William H. Altman	\$5.77
12/19/2008	William H. Altman	\$13.46
12/19/2008	Brenda W. Amick	\$2.50
12/19/2008	Brenda W. Amick	\$2.50
12/19/2008	Carmen C. Amick	\$5.00
12/19/2008	Christina Amick	\$3.75
12/19/2008	Christina Amick	\$1.25
12/19/2008	Karen Amick	\$5.00
12/19/2008	Barbara J. Anderson	\$5.00
12/19/2008	Camila K. Anderson	\$1.25
12/19/2008	Camila K. Anderson	\$1.25
12/19/2008	Camila K. Anderson	\$2.50
12/19/2008	Deborah A. Brown	\$5.00
12/19/2008	Pamela G. Anderson	\$5.00
12/19/2008	Rachel L. Anick	\$5.00
12/19/2008	Lisa L. Antley-Hearn	\$5.00
12/19/2008	Sheryl A. Arms	\$5.00
12/19/2008	David A. Arndt	\$20.00
12/19/2008	David M. Arrington	\$19.23
12/19/2008	David M. Arrington	\$19.23
12/19/2008	Sharon B. Warner	\$5.00
12/19/2008	Kay S. Austin	\$60.00
12/19/2008	Kay S. Austin	\$60.00
12/19/2008	Timothy C. Ayer	\$5.00
12/19/2008	Marleah Ann Ayers	\$0.00
12/19/2008	Debra S. Azarowicz	\$5.00
12/19/2008	Debra S. Azarowicz	\$5.00
12/19/2008	Patricia L. Bacon	\$10.00
12/19/2008	Faye S. Baker	\$2.50

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5/4/2009	Violet Stevens	\$30.00
5/4/2009	Latasha L. Godbolt	\$50.00
5/4/2009	Diane P. Griffin	\$100.00
5/4/2009	Delaine Baker	\$50.00
5/4/2009	Marie S. Sylvester	\$50.00
5/4/2009	Ann S. Kyzer	\$50.00
5/4/2009	Julie Doherty	\$50.00
5/4/2009	Betty L. Steele	\$50.00
5/5/2009	First Community Bank	\$1,000.00
5/5/2009	SC State Credit Union	\$1,000.00
5/5/2009	Nelson, Mullins, Riley,	\$1,000.00
5/6/2009	Amick Farms, LLC	\$1,000.00
5/6/2009	Rhonda F. Livingston	\$50.00
5/7/2009	MB Kahn Foundation Inc	\$1,000.00
5/7/2009	McGee Real Estate Market	\$1,000.00
5/7/2009	Ted O. McGee	\$2,500.00
5/8/2009	Christal S. Abraham	\$5.00
5/8/2009	Denise V. Adams	\$2.50
5/8/2009	Denise V. Adams	\$2.50
5/8/2009	Javan B. Addy	\$2.50
5/8/2009	Javan B. Addy	\$2.50
5/8/2009	Maria C. Addy-Starino	\$1.65
5/8/2009	Maria C. Addy-Starino	\$1.65
5/8/2009	Maria C. Addy-Starino	\$1.70
5/8/2009	Carla W. Albright	\$5.00
5/8/2009	Kimbla S. Alexander	\$5.00
5/8/2009	Titilayo S. Allen	\$2.50
5/8/2009	Titilayo S. Allen	\$2.50
5/8/2009	Connie L. Allman	\$5.00
5/8/2009	Connie L. Allman	\$5.00
5/8/2009	Martin W. Allred	\$5.00
5/8/2009	Billy Alonso	\$5.00
5/8/2009	Theresa W. Altman	\$10.00
5/8/2009	William H. Altman	\$26.92
5/8/2009	William H. Altman	\$7.69
5/8/2009	William H. Altman	\$3.85
5/8/2009	Gene D. Alveshire	\$2.50
5/8/2009	Gene D. Alveshire	\$2.50
5/8/2009	Revious V. Amaker	\$5.00
5/8/2009	Paisley C. Amerson	\$2.50
5/8/2009	Paisley C. Amerson	\$2.50
5/8/2009	Brenda W. Amick	\$5.00
5/8/2009	Sandra H. Amick	\$5.00
5/8/2009	Kimberley A. Amos	\$10.00
5/8/2009	Barbara J. Anderson	\$5.00
5/8/2009	Camila K. Anderson	\$2.50
5/8/2009	Camila K. Anderson	\$2.50
5/8/2009	Deborah A. Brown	\$5.00
5/8/2009	Pamela G. Anderson	\$5.00
5/8/2009	Rhonda D. Anderson	\$5.00
5/8/2009	Angelina D. Angel	\$10.00
5/8/2009	Lisa L. Antley-Hearn	\$2.50
5/8/2009	Lisa L. Antley-Hearn	\$2.50
5/8/2009	Sheryl A. Arms	\$5.00
5/8/2009	David M. Arrington	\$38.46
5/8/2009	Dawn Assemany	\$5.00
5/8/2009	Scott D. Augustine	\$5.00
5/8/2009	Cheyneil Austin	\$5.00
5/8/2009	Kay S. Austin	\$112.50
5/8/2009	Kay S. Austin	\$37.50
5/8/2009	Timothy C. Ayer	\$5.00
5/8/2009	Cassandra E. Backus	\$5.00
5/8/2009	Faye S. Baker	\$2.50

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5/8/2009	Sheryl M. Young	\$5.00
5/8/2009	Gena B. McCullough	\$10.00
5/8/2009	Mindy M. Thompson	\$5.00
5/11/2009	Check into Cash of South	\$5,000.00
5/11/2009	Thomas B. Willard	\$150.00
5/11/2009	John R. Roof	\$1,000.00
5/11/2009	Burkett, Burkett & Burke	\$1,000.00
5/12/2009	Michelin North America,	\$1,000.00
5/12/2009	Stacie J. Boyer	\$100.00
5/12/2009	Raymond S. Caughman	\$400.00
5/12/2009	Patti M. Williams	\$50.00
5/12/2009	G. Tripp Jones	\$100.00
5/12/2009	Albert J. Dooley	\$1,000.00
5/12/2009	William G. Phipps	\$1,000.00
5/12/2009	Advance America	\$5,000.00
5/12/2009	SC State Credit Union	\$50.00
5/12/2009	Keith Pound Sales	\$50.00
5/12/2009	Clyde Wrenn	\$50.00
5/12/2009	Mary H. Staton	\$200.00
5/13/2009	LMC Extended Care	\$210.00
5/14/2009	Joshua J. Angle	\$22.27
5/14/2009	Joshua J. Angle	\$22.27
5/14/2009	Priscilla E. Kyzer	\$29.68
5/14/2009	Roderick Frazier	\$6.24
5/14/2009	Roderick Frazier	\$12.49
5/14/2009	Roderick Frazier	\$6.24
5/14/2009	Constance T. Beck	\$9.20
5/14/2009	Constance T. Beck	\$27.59
5/14/2009	Angela Y. Irick	\$42.09
5/14/2009	Geneva Brown-Simpson	\$37.04
5/14/2009	Selestine Colter	\$6.22
5/14/2009	Selestine Colter	\$12.45
5/14/2009	Valerie Huggins	\$35.56
5/14/2009	Phyllis M. Cannon Washin	\$25.63
5/14/2009	Jennifer K. Martin	\$38.02
5/14/2009	George A. Holladay	\$122.73
5/14/2009	Raquel J. Cole	\$7.29
5/14/2009	Raquel J. Cole	\$14.58
5/14/2009	Raquel J. Cole	\$7.29
5/14/2009	Beverly Williams	\$25.08
5/14/2009	Gabrielle R. Gillie	\$55.38
5/14/2009	Kimberly A. Creech	\$46.06
5/14/2009	Margean A. Davoll	\$31.02
5/14/2009	Jerry Padgett	\$6.31
5/14/2009	Thomasena Seabrook	\$23.33
5/14/2009	Cynthia B. Roach	\$9.70
5/14/2009	Cynthia B. Roach	\$9.70
5/14/2009	Cynthia B. Roach	\$19.41
5/14/2009	Rosalina A. Cooks	\$23.32
5/14/2009	Ray Brooks	\$23.02
5/14/2009	Kathy A. Coulter	\$21.20
5/14/2009	Janelle Gary	\$12.13
5/14/2009	Janelle Gary	\$12.13
5/14/2009	Nicholas B. Henry	\$45.69
5/14/2009	Christine M. Allen	\$19.95
5/14/2009	Christine M. Allen	\$19.95
5/14/2009	Paulette Priester	\$6.88
5/14/2009	Cynthia S. Titus	\$38.50
5/14/2009	Earl Stewart	\$10.19
5/14/2009	Earl Stewart	\$10.19
5/14/2009	Sierra N. Butler	\$36.74
5/14/2009	Sherie S. Fordham	\$85.21
5/14/2009	Melinda F. Osborne	\$22.20

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5/15/2009	Michael W. Boone	\$35.23
5/15/2009	Kantilal G. Panchal	\$24.15
5/15/2009	Danita Phillips	\$22.56
5/15/2009	Crystal Derrick	\$31.47
5/15/2009	Mattie Hill	\$21.90
5/15/2009	Shenetta S. Jackson	\$21.42
5/15/2009	Janna S. Cockrell	\$74.65
5/15/2009	Rose McElveen	\$22.14
5/15/2009	Margaret S. Nah	\$36.04
5/15/2009	Makkedah J. Marshall	\$21.48
5/15/2009	Bobbie Hunsinger	\$20.89
5/15/2009	Meranda Smith	\$21.28
5/15/2009	Mary Cook	\$23.27
5/15/2009	Phyllis G. Graham	\$41.92
5/15/2009	Demetrius Byrd	\$9.36
5/15/2009	Demetrius Byrd	\$9.36
5/15/2009	Jennifer L. Hall	\$26.28
5/15/2009	Jennifer L. Hall	\$26.28
5/15/2009	David Z. Beer	\$23.94
5/15/2009	Ashley S. Ludley	\$10.21
5/15/2009	Ashley S. Ludley	\$10.21
5/15/2009	Juanita Hall	\$18.71
5/15/2009	Maximiliano G. Sotelo	\$23.94
5/15/2009	Miguel A. Cruz	\$23.94
5/15/2009	Meeka S. Wicker	\$27.11
5/15/2009	Carlos G. Montero	\$32.08
5/15/2009	Farah B. Correa	\$27.10
5/15/2009	Randy Edmonds	\$11.68
5/15/2009	Valerie D. Rhodes	\$23.55
5/15/2009	Karen L. Hutto	\$24.61
5/15/2009	Lillie B. Robinson	\$26.41
5/15/2009	Kevin Bernard Staggers	\$29.17
5/15/2009	Valerie Victoria Chandle	\$10.45
5/15/2009	Valerie Victoria Chandle	\$10.45
5/15/2009	Shirley J. Huddleston	\$22.53
5/15/2009	Leasher Harriett R. Burn	\$21.18
5/15/2009	Catherine Gainey	\$36.02
5/15/2009	Katherine F. Addison	\$22.66
5/15/2009	Tammy M. Clemons	\$21.64
5/16/2009	Lee Boguski	\$38.47
5/16/2009	Carl J. Shealy	\$38.47
5/16/2009	Paul B. Shahbahrani	\$38.47
5/16/2009	Robert E. Sexton	\$38.47
5/16/2009	Harriet Boozer	\$38.47
5/16/2009	Aubrey A. Bryant	\$38.47
5/16/2009	Todd Crump	\$38.47
5/16/2009	Adrian Langley	\$38.47
5/16/2009	Jeffrey A. Lohr	\$38.47
5/16/2009	Johnny Y. Smith	\$38.47
5/16/2009	Andrew R. Donato	\$38.47
5/16/2009	Patrick O'Malley	\$38.47
5/16/2009	Wesley H. Shuler	\$38.47
5/16/2009	Michael Nunnery	\$38.47
5/16/2009	Sean O'Meara	\$38.47
5/16/2009	Robert Mearns	\$38.47
5/16/2009	Richard P. Murray	\$38.47
5/21/2009	Bank of America	\$500.00
5/21/2009	Bank of America	\$500.00
5/22/2009	LMC Extended Care	\$3,775.10
5/22/2009	Christal S. Abraham	\$5.00
5/22/2009	Denise V. Adams	\$2.50
5/22/2009	Denise V. Adams	\$2.50
5/22/2009	Javan B. Addy	\$2.50

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6/5/2009	Andrea Wray	\$1.25
6/5/2009	Andrea Wray	\$1.25
6/5/2009	Andrea Wray	\$2.50
6/5/2009	Pansy C. Wright	\$2.50
6/5/2009	Pansy C. Wright	\$5.00
6/5/2009	Pansy C. Wright	\$2.50
6/5/2009	Willie A. Wright-Johnson	\$5.00
6/5/2009	Jacqueline H. Wynne	\$10.00
6/5/2009	Jacqueline H. Wynne	\$5.00
6/5/2009	Jacqueline H. Wynne	\$10.00
6/5/2009	Nina M. Yarborough	\$2.50
6/5/2009	Nina M. Yarborough	\$2.50
6/5/2009	Joann Yarsinske	\$2.50
6/5/2009	Joann Yarsinske	\$2.50
6/5/2009	Mark Yost	\$2.50
6/5/2009	Mark Yost	\$2.50
6/5/2009	Crystal Nicholson	\$5.00
6/5/2009	Deirdre D. Young	\$5.00
6/5/2009	Deirdre D. Young	\$5.00
6/5/2009	My linda L. Young	\$20.00
6/5/2009	My linda L. Young	\$20.00
6/5/2009	Sharon W. Young	\$38.46
6/5/2009	Sheryll M. Young	\$5.00
6/5/2009	Gena B. McCullough	\$10.00
6/5/2009	Mindy M. Thompson	\$5.00
6/6/2009	Salley Redfearn	\$50.00
6/8/2009	Tony Denny	\$1,000.00
6/8/2009	John R. Roof	\$1,000.00
6/8/2009	Cash	\$1,050.00
6/8/2009	Cash	\$100.00
6/8/2009	PBT Communications	\$1,000.00
6/10/2009	LMC Extended Care	\$185.00
6/13/2009	Harriet Boozer	\$38.47
6/13/2009	Aubrey A. Bryant	\$38.47
6/13/2009	Todd Crump	\$38.47
6/13/2009	Adrian Langley	\$38.47
6/13/2009	Jeffrey A. Lohr	\$38.47
6/13/2009	Johnny Y. Smith	\$38.47
6/13/2009	Andrew R. Donato	\$38.47
6/13/2009	Patrick O'Malley	\$38.47
6/13/2009	Wesley H. Shuler	\$38.47
6/13/2009	Michael Nunnery	\$38.47
6/13/2009	Sean O'Meara	\$38.47
6/13/2009	Robert Mearns	\$38.47
6/13/2009	Richard P. Murray	\$38.47
6/13/2009	Carl J. Shealy	\$38.47
6/13/2009	Paul B. Shahbahrani	\$38.47
6/13/2009	Robert E. Sexton	\$38.47
6/13/2009	Brian P. Cline	\$38.47
6/13/2009	L. Todd Sease	\$1,000.00
6/13/2009	Lee Boguski	\$38.47
6/15/2009	SC State Credit Union	\$75.00
6/15/2009	Lexington County Sheriff	\$25.00
6/18/2009	Lexington Medical Center	\$200.00
6/18/2009	Jumper, Carter, Sease Ar	\$2,000.00
6/19/2009	Christal S. Abraham	\$5.00
6/19/2009	Denise V. Adams	\$2.50
6/19/2009	Denise V. Adams	\$2.50
6/19/2009	Javan B. Addy	\$2.50
6/19/2009	Javan B. Addy	\$2.50
6/19/2009	Maria C. Addy-Starino	\$1.65
6/19/2009	Maria C. Addy-Starino	\$1.65
6/19/2009	Maria C. Addy-Starino	\$1.70

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6/19/2009	Jennifer A. Wilson	\$5.00
6/19/2009	Karen B. Campbell	\$3.75
6/19/2009	Karen B. Campbell	\$1.25
6/19/2009	Kenneth P. Winburn	\$5.00
6/19/2009	Jennifer P. Winchester	\$38.46
6/19/2009	Kathleen Winfield	\$10.00
6/19/2009	Elizabeth A. Winston	\$2.50
6/19/2009	Elizabeth A. Winston	\$2.50
6/19/2009	Karen R. Winter	\$5.00
6/19/2009	Haley D. Wise	\$5.00
6/19/2009	Susanne A. Wolfe	\$7.50
6/19/2009	Susanne A. Wolfe	\$2.50
6/19/2009	Kristy M. Wolff	\$5.00
6/19/2009	Natalie C. Wood	\$5.00
6/19/2009	Melissa L. Wooten	\$2.50
6/19/2009	Melissa L. Wooten	\$2.50
6/19/2009	Danise A. Workman	\$5.00
6/19/2009	Amy B. Worthey	\$5.00
6/19/2009	Andrea Wray	\$1.25
6/19/2009	Andrea Wray	\$1.25
6/19/2009	Andrea Wray	\$2.50
6/19/2009	Pansy C. Wright	\$2.50
6/19/2009	Pansy C. Wright	\$2.50
6/19/2009	Pansy C. Wright	\$5.00
6/19/2009	Willie A. Wright-Johnson	\$5.00
6/19/2009	Jacqueline H. Wynne	\$10.00
6/19/2009	Jacqueline H. Wynne	\$10.00
6/19/2009	Jacqueline H. Wynne	\$5.00
6/19/2009	Nina M. Yarborough	\$2.50
6/19/2009	Nina M. Yarborough	\$2.50
6/19/2009	Joann Yarsinske	\$2.50
6/19/2009	Joann Yarsinske	\$2.50
6/19/2009	Mark Yost	\$2.50
6/19/2009	Mark Yost	\$2.50
6/19/2009	Crystal Nicholson	\$5.00
6/19/2009	Deirdre D. Young	\$5.00
6/19/2009	Deirdre D. Young	\$5.00
6/19/2009	My linda L. Young	\$20.00
6/19/2009	My linda L. Young	\$20.00
6/19/2009	Sharon W. Young	\$38.46
6/19/2009	Sheryll M. Young	\$5.00
6/19/2009	Gena B. McCullough	\$10.00
6/19/2009	Mindy M. Thompson	\$5.00
6/22/2009	Charles F. Crews	\$100.00
6/23/2009	Bristol-Myers Squibb Fou	\$500.00
6/23/2009	McCrory Construction Com	\$5,000.00
6/23/2009	Parker, Poe, Adams & Ber	\$5,000.00
6/25/2009	Fred B. Johnston	\$1,000.00
6/25/2009	LMC Extended Care	\$185.00
6/25/2009	Time Warner Cable	\$5,000.00
6/25/2009	Mashburn Construction Co	\$1,000.00
6/27/2009	Harriet Boozer	\$38.47
6/27/2009	Jeffrey A. Lohr	\$38.47
6/27/2009	Adrian Langley	\$38.47
6/27/2009	Todd Crump	\$38.47
6/27/2009	Aubrey A. Bryant	\$38.47
6/27/2009	Richard P. Murray	\$38.47
6/27/2009	Robert Mearns	\$38.47
6/27/2009	Sean O'Meara	\$38.47
6/27/2009	Michael Nunnery	\$38.47
6/27/2009	Wesley H. Shuler	\$38.47
6/27/2009	Patrick O'Malley	\$38.47
6/27/2009	Andrew R. Donato	\$38.47

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6/27/2009	Johnny Y. Smith	\$38.47
6/27/2009	Brian P. Cline	\$38.47
6/27/2009	Robert E. Sexton	\$38.47
6/27/2009	Paul B. Shahbahrani	\$38.47
6/27/2009	Carl J. Shealy	\$38.47
6/27/2009	Lee Boguski	\$38.47
6/29/2009	Agape Development Co.	\$1,000.00
6/29/2009	Midlands Technical Colle	\$429.09
6/29/2009	Midlands Technical Colle	\$2,000.00
7/3/2009	Christal S. Abraham	\$5.00
7/3/2009	Denise V. Adams	\$2.50
7/3/2009	Denise V. Adams	\$2.50
7/3/2009	Javan B. Addy	\$2.50
7/3/2009	Javan B. Addy	\$2.50
7/3/2009	Maria C. Addy-Starino	\$1.65
7/3/2009	Maria C. Addy-Starino	\$1.65
7/3/2009	Maria C. Addy-Starino	\$1.70
7/3/2009	Carla W. Albright	\$5.00
7/3/2009	Kimble S. Alexander	\$5.00
7/3/2009	Titilayo S. Allen	\$2.50
7/3/2009	Titilayo S. Allen	\$2.50
7/3/2009	Connie L. Allman	\$5.00
7/3/2009	Connie L. Allman	\$5.00
7/3/2009	Martin W. Allred	\$5.00
7/3/2009	Billy Alonso	\$5.00
7/3/2009	Theresa W. Altman	\$10.00
7/3/2009	William H. Altman	\$26.92
7/3/2009	William H. Altman	\$7.69
7/3/2009	William H. Altman	\$3.85
7/3/2009	Gene D. Alveshire	\$2.50
7/3/2009	Gene D. Alveshire	\$2.50
7/3/2009	Revious V. Amaker	\$5.00
7/3/2009	Paisley C. Amerson	\$2.50
7/3/2009	Paisley C. Amerson	\$2.50
7/3/2009	Brenda W. Amick	\$5.00
7/3/2009	Sandra H. Amick	\$5.00
7/3/2009	Kimberley A. Amos	\$10.00
7/3/2009	Barbara J. Anderson	\$5.00
7/3/2009	Camila K. Anderson	\$2.50
7/3/2009	Camila K. Anderson	\$2.50
7/3/2009	Deborah A. Brown	\$5.00
7/3/2009	Pamela G. Anderson	\$5.00
7/3/2009	Rhonda D. Anderson	\$5.00
7/3/2009	Angelia D. Angel	\$10.00
7/3/2009	Lisa L. Antley-Hearn	\$2.50
7/3/2009	Lisa L. Antley-Hearn	\$2.50
7/3/2009	Sheryl A. Arms	\$5.00
7/3/2009	David M. Arrington	\$38.46
7/3/2009	Dawn Assemany	\$5.00
7/3/2009	Scott D. Augustine	\$5.00
7/3/2009	Kay S. Austin	\$112.50
7/3/2009	Kay S. Austin	\$37.50
7/3/2009	Timothy C. Ayer	\$5.00
7/3/2009	Cassandra E. Backus	\$5.00
7/3/2009	Faye S. Baker	\$2.50
7/3/2009	Faye S. Baker	\$2.50
7/3/2009	Sharon D. Balaam	\$5.00
7/3/2009	Lynn D. Baldwin	\$5.00
7/3/2009	Deborah B. Ballard	\$5.00
7/3/2009	Aline L. Banks	\$5.00
7/3/2009	Audra Barefoot	\$4.00
7/3/2009	Audra Barefoot	\$1.00
7/3/2009	Delaine Barefoot	\$4.00

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8/28/2009	Lynda C. Fite	\$2.50
8/28/2009	Lynda C. Fite	\$2.50
8/28/2009	Gina M. Fleming	\$5.00
8/28/2009	David B. Floyd	\$2.50
8/28/2009	David B. Floyd	\$0.50
8/28/2009	David B. Floyd	\$2.00
8/28/2009	Anne M. Forest	\$48.08
8/28/2009	Anne M. Forest	\$24.04
8/28/2009	Anne M. Forest	\$24.04
8/28/2009	Janet M. Foster	\$5.00
8/28/2009	Janet M. Foster	\$5.00
8/28/2009	Joyce R. Foster	\$2.00
8/28/2009	Stephanie L. Payne	\$5.00
8/28/2009	Margaret L. Hardison	\$10.00
8/28/2009	James T. Hargrave	\$5.00
8/28/2009	Sebrena E. Harley	\$5.00
8/28/2009	Walter B. Harman	\$10.00
8/28/2009	Shannon Harmon	\$2.50
8/28/2009	Shannon Harmon	\$2.50
8/28/2009	Dawn R. Harper	\$10.00
8/28/2009	Rebecca A. Harper	\$5.00
8/28/2009	Tyrone R. Harris	\$5.00
8/28/2009	Stephanie Harsey	\$5.00
8/28/2009	Norma Hart	\$5.00
8/28/2009	Jessica S. Jeffcoat	\$5.00
8/28/2009	Kelly N. Jeffcoat	\$2.50
8/28/2009	Kelly N. Jeffcoat	\$2.50
8/28/2009	Kimberly L. Welch	\$3.33
8/28/2009	Kimberly L. Welch	\$3.34
8/28/2009	Kimberly L. Welch	\$3.33
8/28/2009	Tony D. Jeffcoat	\$5.00
8/28/2009	Jessie M. Jefferson	\$5.00
8/28/2009	Faith Elaine Jenkins	\$5.00
8/28/2009	Patricia D. Jirowetz	\$2.50
8/28/2009	Patricia D. Jirowetz	\$2.50
8/28/2009	Sharlyn S. John	\$5.00
8/28/2009	Phyllis F. Reeves	\$5.00
8/28/2009	Carl J. Shealy	\$38.47
9/1/2009	Blue Cross Blue Shield o	\$20,000.00
9/5/2009	Aubrey A. Bryant	\$38.47
9/5/2009	Harriet Boozer	\$38.47
9/11/2009	Christal S. Abraham	\$15.00
9/11/2009	Denise V. Adams	\$2.50
9/11/2009	Denise V. Adams	\$2.50
9/11/2009	Javan B. Addy	\$2.50
9/11/2009	Javan B. Addy	\$2.50
9/11/2009	Maria C. Addy-Starino	\$1.65
9/11/2009	Maria C. Addy-Starino	\$1.70
9/11/2009	Maria C. Addy-Starino	\$1.65
9/11/2009	Carla W. Albright	\$5.00
9/11/2009	Kimbla S. Alexander	\$5.00
9/11/2009	Connie L. Allman	\$5.00
9/11/2009	Connie L. Allman	\$5.00
9/11/2009	Martin W. Allred	\$5.00
9/11/2009	Theresa W. Altman	\$10.00
9/11/2009	William H. Altman	\$26.92
9/11/2009	William H. Altman	\$7.69
9/11/2009	William H. Altman	\$3.85
9/11/2009	Gene D. Alveshire	\$2.50
9/11/2009	Gene D. Alveshire	\$2.50
9/11/2009	Revious V. Amaker	\$5.00
9/11/2009	Paisley C. Amerson	\$2.50
9/11/2009	Paisley C. Amerson	\$2.50

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9/11/2009	Mark Yost	\$2.50
9/11/2009	Leslie A. Mostiler	\$2.50
9/11/2009	Leslie A. Mostiler	\$2.50
9/11/2009	Crystal Nicholson	\$5.00
9/11/2009	Deirdre D. Young	\$5.00
9/11/2009	Deirdre D. Young	\$5.00
9/11/2009	My linda L. Young	\$20.00
9/11/2009	My linda L. Young	\$20.00
9/11/2009	Sharon W. Young	\$38.46
9/11/2009	Sheryll M. Young	\$5.00
9/11/2009	Gena B. McCullough	\$10.00
9/11/2009	Mindy M. Thompson	\$5.00
9/11/2009	Carl J. Shealy	\$38.47
9/11/2009	Phyllis F. Reeves	\$5.00
9/19/2009	Harriet Boozer	\$38.47
9/19/2009	Aubrey A. Bryant	\$38.47
9/23/2009	Dan E. Jones	\$1,000.00
9/25/2009	Christal S. Abraham	\$5.00
9/25/2009	Denise V. Adams	\$2.50
9/25/2009	Denise V. Adams	\$2.50
9/25/2009	Javan B. Addy	\$2.50
9/25/2009	Javan B. Addy	\$2.50
9/25/2009	Maria C. Addy-Starino	\$1.65
9/25/2009	Maria C. Addy-Starino	\$1.70
9/25/2009	Keeva W. Daniels	\$5.00
9/25/2009	Alan S. Davis	\$5.00
9/25/2009	Barbara W. Davis	\$5.00
9/25/2009	Karla Davis	\$5.00
9/25/2009	Lillie R. Davis	\$2.50
9/25/2009	Lillie R. Davis	\$1.25
9/25/2009	Lillie R. Davis	\$1.25
9/25/2009	Linda N. Davis	\$2.50
9/25/2009	Linda N. Davis	\$2.50
9/25/2009	Lisa D. Davis	\$5.00
9/25/2009	Melissa R. Davis	\$1.66
9/25/2009	Melissa R. Davis	\$1.68
9/25/2009	Melissa R. Davis	\$1.66
9/25/2009	Whitney N. Spires	\$5.00
9/25/2009	Jamie L. Leighty	\$5.00
9/25/2009	Sheryl I. DeLoach	\$10.00
9/25/2009	Tammy D. Grant	\$2.50
9/25/2009	Tammy D. Grant	\$2.50
9/25/2009	Georgia W. Deason	\$5.00
9/25/2009	Aneesah Deen-Carlos	\$10.00
9/25/2009	Brenda S. Dell'Oso	\$5.00
9/25/2009	Ann D. Dennis	\$2.50
9/25/2009	Ann D. Dennis	\$2.50
9/25/2009	Anthony W. Derrick	\$5.00
9/25/2009	Maria C. Addy-Starino	\$1.65
9/25/2009	Carla W. Albright	\$5.00
9/25/2009	Kimbla S. Alexander	\$5.00
9/25/2009	Connie L. Allman	\$5.00
9/25/2009	Connie L. Allman	\$5.00
9/25/2009	Martin W. Allred	\$5.00
9/25/2009	Theresa W. Altman	\$10.00
9/25/2009	William H. Altman	\$26.92
9/25/2009	William H. Altman	\$3.85
9/25/2009	William H. Altman	\$7.69
9/25/2009	Gene D. Alveshire	\$2.50
9/25/2009	Gene D. Alveshire	\$2.50
9/25/2009	Revious V. Amaker	\$5.00
9/25/2009	Paisley C. Amerson	\$2.50
9/25/2009	Paisley C. Amerson	\$2.50

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10/23/2009	Kenneth P. Winburn	\$5.00
10/23/2009	Jennifer P. Winchester	\$38.46
10/23/2009	Kathleen Winfield	\$10.00
10/23/2009	Elizabeth A. Winston	\$2.50
10/23/2009	Elizabeth A. Winston	\$2.50
10/23/2009	Karen R. Winter	\$5.00
10/23/2009	Haley D. Wise	\$5.00
10/23/2009	Susanne A. Wolfe	\$7.50
10/23/2009	Susanne A. Wolfe	\$2.50
10/23/2009	Kristy M. Wolff	\$5.00
10/23/2009	Natalie C. Wood	\$5.00
10/23/2009	Melissa L. Wooten	\$2.50
10/23/2009	Melissa L. Wooten	\$2.50
10/23/2009	Danise A. Workman	\$5.00
10/23/2009	Amy B. Worthey	\$5.00
10/23/2009	Jessica L. Levinson	\$5.00
10/23/2009	Jessica L. Levinson	\$4.00
10/23/2009	Jessica L. Levinson	\$1.00
10/23/2009	Andrea Wray	\$1.25
10/23/2009	Andrea Wray	\$2.50
10/23/2009	Andrea Wray	\$1.25
10/23/2009	Jennifer W. Peterson	\$5.00
10/23/2009	Pansy C. Wright	\$2.50
10/23/2009	Pansy C. Wright	\$2.50
10/23/2009	Pansy C. Wright	\$5.00
10/23/2009	Willie A. Wright-Johnson	\$5.00
10/23/2009	Jacqueline H. Wynne	\$10.00
10/23/2009	Jacqueline H. Wynne	\$10.00
10/23/2009	Jacqueline H. Wynne	\$5.00
10/23/2009	Nina M. Yarborough	\$2.50
10/23/2009	Nina M. Yarborough	\$2.50
10/23/2009	Joann Yarsinske	\$2.50
10/23/2009	Joann Yarsinske	\$2.50
10/23/2009	Leslie A. Mostiler	\$2.50
10/23/2009	Leslie A. Mostiler	\$2.50
10/23/2009	Crystal Nicholson	\$5.00
10/23/2009	Deirdre D. Young	\$5.00
10/23/2009	Deirdre D. Young	\$5.00
10/23/2009	My linda L. Young	\$20.00
10/23/2009	My linda L. Young	\$20.00
10/23/2009	Sharon W. Young	\$38.46
10/23/2009	Sheryll M. Young	\$5.00
10/23/2009	Gena B. McCullough	\$10.00
10/23/2009	Mindy M. Thompson	\$5.00
10/23/2009	Richard W. Stowe	\$100.00
10/23/2009	Phyllis F. Reeves	\$5.00
10/24/2009	LMC Extended Care	\$160.00
10/29/2009	Cash	\$65.00
10/29/2009	Peggy D. Sessions	\$25.00
10/29/2009	Michael L. Ervin	\$200.00
10/29/2009	Nell S. McCarty	\$10,000.00
10/29/2009	Burkett Charities	\$1,600.00
10/29/2009	LMC Extended Care	\$160.00
10/29/2009	Tracy Norris	\$5.00
10/31/2009	Aubrey A. Bryant	\$38.47
10/31/2009	Harriet Boozer	\$38.47
11/2/2009	Lexington Radiology Asso	\$12,000.00
11/2/2009	Congaree State Bank	\$1,000.00
11/3/2009	Linda S. Koucky	\$2,500.00
11/3/2009	Steven J. Howell	\$500.00
11/6/2009	Christal S. Abraham	\$5.00
11/6/2009	Denise V. Adams	\$2.50
11/6/2009	Denise V. Adams	\$2.50

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11/6/2009	Karla Davis	\$5.00
11/6/2009	Lillie R. Davis	\$2.50
11/6/2009	Lillie R. Davis	\$1.25
11/6/2009	Phyllis F. Reeves	\$5.00
11/6/2009	Carl J. Shealy	\$38.47
11/6/2009	Richard W. Stowe	\$100.00
11/6/2009	George R. Drafts	\$1,000.00
11/11/2009	LMC Extended Care	\$200.00
11/12/2009	Cash	\$386.65
11/12/2009	Cash	\$20.00
11/12/2009	Claudia M. Kelly	\$15.00
11/12/2009	Cash	\$0.00
11/13/2009	Robert T. Macnaughton	\$100.00
11/14/2009	Aubrey A. Bryant	\$38.47
11/14/2009	Harriet Boozer	\$38.47
11/18/2009	Quillin Davis	\$2,500.00
11/20/2009	Charles H. Ham	\$1,000.00
11/20/2009	Peggy D. Sessions	\$25.00
11/20/2009	Randall Sturkey	\$1,000.00
11/20/2009	Danny Frazier	\$1,000.00
11/20/2009	Ron Tryon	\$150.00
11/20/2009	Midlands Gastorenterolog	\$1,000.00
11/20/2009	Christal S. Abraham	\$5.00
11/20/2009	Denise V. Adams	\$2.50
11/20/2009	Denise V. Adams	\$2.50
11/20/2009	Javan B. Addy	\$2.50
11/20/2009	Javan B. Addy	\$2.50
11/20/2009	Maria C. Addy-Starino	\$1.65
11/20/2009	Maria C. Addy-Starino	\$1.70
11/20/2009	Maria C. Addy-Starino	\$1.65
11/20/2009	Carla W. Albright	\$5.00
11/20/2009	Kimbla S. Alexander	\$5.00
11/20/2009	Connie L. Allman	\$5.00
11/20/2009	Connie L. Allman	\$5.00
11/20/2009	Martin W. Allred	\$5.00
11/20/2009	Theresa W. Altman	\$10.00
11/20/2009	William H. Altman	\$26.92
11/20/2009	William H. Altman	\$3.85
11/20/2009	William H. Altman	\$7.69
11/20/2009	Gene D. Alveshire	\$2.50
11/20/2009	Gene D. Alveshire	\$2.50
11/20/2009	Revious V. Amaker	\$5.00
11/20/2009	Paisley C. Amerson	\$2.50
11/20/2009	Paisley C. Amerson	\$2.50
11/20/2009	Brenda W. Amick	\$5.00
11/20/2009	Sandra H. Amick	\$5.00
11/20/2009	Kimberley A. Amos	\$10.00
11/20/2009	Barbara J. Anderson	\$5.00
11/20/2009	Camila K. Anderson	\$2.50
11/20/2009	Camila K. Anderson	\$2.50
11/20/2009	Deborah A. Brown	\$5.00
11/20/2009	Pamela G. Anderson	\$5.00
11/20/2009	Rhonda D. Anderson	\$5.00
11/20/2009	Angelina D. Angel	\$10.00
11/20/2009	Lisa L. Antley-Hearn	\$2.50
11/20/2009	Lisa L. Antley-Hearn	\$2.50
11/20/2009	Sheryl A. Arms	\$5.00
11/20/2009	David M. Arrington	\$38.46
11/20/2009	Dawn Assemany	\$5.00
11/20/2009	Scott D. Augustine	\$5.00
11/20/2009	Kay S. Austin	\$112.50
11/20/2009	Kay S. Austin	\$37.50
11/20/2009	Timothy C. Ayer	\$5.00

2/12/2010	Ann D. Dennis	\$2.50
2/12/2010	Ann D. Dennis	\$2.50
2/12/2010	Anthony W. Derrick	\$5.00
2/12/2010	Kathryn V. Desoto	\$5.00
2/12/2010	Kim P. Diamond	\$5.00
2/12/2010	Lashune D. Dickerson	\$5.00
2/12/2010	Tammy Dickert	\$2.50
2/12/2010	Tammy Dickert	\$2.50
2/16/2010	Carolyn Peace	\$25.00
2/16/2010	Patsy S. Amick	\$2,600.00
2/16/2010	L. Todd Sease	\$1,000.00
2/16/2010	Vasa W. Cate	\$25.00
2/17/2010	John R. Roof	\$1,000.00
2/17/2010	Consultants in Gastroent	\$1,000.00
2/17/2010	SC Stata Credit Union	\$2,500.00
2/19/2010	Chapter M, PEO Sisterhoo	\$50.00
2/19/2010	Advance America	\$2,500.00
2/19/2010	Check into Cash of South	\$2,500.00
2/19/2010	LMC Extended Care	\$160.00
2/19/2010	Marvin C. Thompson	\$100.00
2/19/2010	Charles F. Crews	\$100.00
2/22/2010	Lydia K. Kirkland	\$55.67
2/24/2010	G. Tripp Jones	\$1,000.00
2/24/2010	Dianne H. Pound	\$100.00
2/24/2010	Nelson, Mullins, Riley,	\$2,000.00
2/24/2010	Comporium	\$1,000.00
2/24/2010	Congaree State Bank	\$100.00
2/25/2010	McCrory Construction Com	\$2,500.00
2/25/2010	BB&T	\$1,000.00
2/26/2010	Christal S. Abraham	\$5.00
2/26/2010	Denise V. Adams	\$2.50
2/26/2010	Denise V. Adams	\$2.50
2/26/2010	Maria C. Addy-Starino	\$1.65
2/26/2010	Maria C. Addy-Starino	\$1.70
2/26/2010	Maria C. Addy-Starino	\$1.65
2/26/2010	Carla W. Albright	\$5.00
2/26/2010	Kimbla S. Alexander	\$5.00
2/26/2010	Connie L. Altman	\$5.00
2/26/2010	Connie L. Altman	\$5.00
2/26/2010	Martin W. Allred	\$5.00
2/26/2010	Theresa W. Altman	\$10.00
2/26/2010	William H. Altman	\$26.92
2/26/2010	William H. Altman	\$7.69
2/26/2010	William H. Altman	\$3.85
2/26/2010	Gene D. Alveshire	\$2.50
2/26/2010	Gene D. Alveshire	\$2.50
2/26/2010	Revious V. Amaker	\$5.00
2/26/2010	Paisley C. Amerson	\$2.50
2/26/2010	Paisley C. Amerson	\$2.50
2/26/2010	Brenda W. Amick	\$5.00
2/26/2010	Sandra H. Amick	\$5.00
2/26/2010	Kimberley A. Amos	\$10.00
2/26/2010	Barbara J. Anderson	\$5.00
2/26/2010	Camila K. Anderson	\$2.50
2/26/2010	Camila K. Anderson	\$2.50
2/26/2010	Deborah A. Brown	\$5.00
2/26/2010	Pamela G. Anderson	\$5.00
2/26/2010	Rhonda D. Anderson	\$5.00
2/26/2010	Angelina D. Angel	\$10.00
2/26/2010	Lisa L. Antley-Hearn	\$2.50
2/26/2010	Lisa L. Antley-Hearn	\$2.50
2/26/2010	Sheryl A. Arms	\$5.00
2/26/2010	David M. Arrington	\$38.46

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2/26/2010	David W. Wilson	\$1.75
2/26/2010	Deborah A. Wilson	\$0.00
2/26/2010	Jennifer A. Wilson	\$5.00
2/26/2010	Karen B. Campbell	\$3.75
2/26/2010	Karen B. Campbell	\$1.25
2/26/2010	Kenneth P. Winburn	\$5.00
2/26/2010	Jennifer P. Winchester	\$38.46
2/26/2010	Kathleen Winfield	\$10.00
2/26/2010	Elizabeth A. Winston	\$2.50
2/26/2010	Elizabeth A. Winston	\$2.50
2/26/2010	Karen R. Winter	\$5.00
2/26/2010	Haley D. Wise	\$5.00
2/26/2010	Susanne A. Wolfe	\$2.50
2/26/2010	Susanne A. Wolfe	\$7.50
2/26/2010	Kristy M. Wolff	\$5.00
2/26/2010	Natalie C. Wood	\$5.00
2/26/2010	Melissa L. Wooten	\$2.50
2/26/2010	Melissa L. Wooten	\$2.50
2/26/2010	Danise A. Workman	\$5.00
2/26/2010	Amy B. Worthey	\$5.00
2/26/2010	Jessica L. Levinson	\$5.00
2/26/2010	Jessica L. Levinson	\$4.00
2/26/2010	Jessica L. Levinson	\$1.00
2/26/2010	Jennifer W. Peterson	\$5.00
2/26/2010	Pansy C. Wright	\$2.50
2/26/2010	Pansy C. Wright	\$2.50
2/26/2010	Pansy C. Wright	\$5.00
2/26/2010	Willie A. Wright-Johnson	\$5.00
2/26/2010	Jacqueline H. Wynne	\$10.00
2/26/2010	Jacqueline H. Wynne	\$10.00
2/26/2010	Jacqueline H. Wynne	\$5.00
2/26/2010	Nina M. Yarborough	\$2.50
2/26/2010	Nina M. Yarborough	\$2.50
2/26/2010	Joann Yarsinske	\$2.50
2/26/2010	Joann Yarsinske	\$2.50
2/26/2010	Leslie A. Mostiler	\$2.50
2/26/2010	Leslie A. Mostiler	\$2.50
2/26/2010	Crystal Nicholson	\$5.00
2/26/2010	Deirdre D. Young	\$5.00
2/26/2010	Deirdre D. Young	\$5.00
2/26/2010	My linda L. Young	\$20.00
2/26/2010	My linda L. Young	\$20.00
2/26/2010	Sharon W. Young	\$38.46
2/26/2010	Sheryl M. Young	\$5.00
2/26/2010	Gena B. McCullough	\$10.00
2/26/2010	Mindy M. Thompson	\$5.00
2/26/2010	Aubrey A. Bryant	\$38.47
2/26/2010	Richard W. Stowe	\$100.00
2/26/2010	Phyllis F. Reeves	\$5.00
2/26/2010	Jeremiah A. Jones	\$38.47
2/26/2010	Carl J. Shealy	\$38.47
2/26/2010	Kristy G. Edmonds	\$2.50
2/26/2010	Kristy G. Edmonds	\$2.50
3/1/2010	SC State Credit Union	\$500.00
3/4/2010	Brandi Petroleum	\$2,500.00
3/4/2010	South Carolina Credit Un	\$500.00
3/4/2010	Alice D. Linder	\$80.00
3/4/2010	Sam Coker	\$50.00
3/4/2010	George W. Barr	\$100.00
3/4/2010	James D. Whitehead	\$100.00
3/4/2010	Donna Peele	\$50.00
3/4/2010	Haynsworth sinkler Boyd,	\$1,000.00
3/4/2010	William G. Phipps	\$1,000.00

3/4/2010	William G. Phipps	\$100.00
3/6/2010	Cynthia B. Byrd	\$34.92
3/8/2010	Schmoyer and Company, LL	\$2,500.00
3/8/2010	George H. Davis	\$1,000.00
3/8/2010	LMC Extended Care	\$160.00
3/10/2010	Raymond S. Caughman	\$100.00
3/10/2010	George R. Drafts	\$700.00
3/10/2010	Lester J. Johnson	\$1,000.00
3/11/2010	Susan M. Makoski	\$81.91
3/11/2010	Time Warner Cable	\$5,000.00
3/12/2010	Richard W. Stowe	\$100.00
3/12/2010	Carl J. Shealy	\$38.47
3/12/2010	Jeremiah A. Jones	\$38.47
3/12/2010	Phyllis F. Reeves	\$5.00
3/12/2010	Kristy G. Edmonds	\$2.50
3/12/2010	Kristy G. Edmonds	\$2.50
3/12/2010	Aubrey A. Bryant	\$38.47
3/12/2010	Christal S. Abraham	\$5.00
3/12/2010	Denise V. Adams	\$2.50
3/12/2010	Denise V. Adams	\$2.50
3/12/2010	Maria C. Addy-Starino	\$1.65
3/12/2010	Maria C. Addy-Starino	\$1.70
3/12/2010	Maria C. Addy-Starino	\$1.65
3/12/2010	Carla W. Albright	\$5.00
3/12/2010	Kimbla S. Alexander	\$5.00
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3/12/2010	Martin W. Allred	\$5.00
3/12/2010	Theresa W. Altman	\$10.00
3/12/2010	William H. Altman	\$26.92
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3/12/2010	Gene D. Alveshire	\$2.50
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3/12/2010	Revious V. Amaker	\$5.00
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3/12/2010	Brenda W. Amick	\$5.00
3/12/2010	Sandra H. Amick	\$5.00
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3/12/2010	Deborah A. Brown	\$5.00
3/12/2010	Pamela G. Anderson	\$5.00
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3/12/2010	David M. Arrington	\$38.46
3/12/2010	Dawn Assemany	\$5.00
3/12/2010	Kay S. Austin	\$112.50
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3/12/2010	Lynn D. Baldwin	\$5.00
3/12/2010	Deborah B. Ballard	\$5.00
3/12/2010	Aline L. Banks	\$5.00
3/12/2010	Audra Barefoot	\$4.00

3/12/2010	Kristy M. Wolff	\$5.00
3/12/2010	Natalie C. Wood	\$5.00
3/12/2010	Melissa L. Wooten	\$2.50
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3/12/2010	Danise A. Workman	\$5.00
3/12/2010	Amy B. Worthey	\$5.00
3/12/2010	Jessica L. Levinson	\$5.00
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3/12/2010	Joann Yarsinske	\$2.50
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3/12/2010	Crystal Nicholson	\$5.00
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3/12/2010	Deirdre D. Young	\$5.00
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3/12/2010	Sharon W. Young	\$38.46
3/12/2010	Sheryll M. Young	\$5.00
3/12/2010	Gena B. McCullough	\$10.00
3/12/2010	Mindy M. Thompson	\$5.00
3/16/2010	SCBT, N.A.	\$2,500.00
3/16/2010	Burkett, Burkett & Burke	\$100.00
3/16/2010	Charles F. Crews	\$100.00
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3/26/2010	Linda N. Davis	\$2.50
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3/26/2010	Lisa D. Davis	\$5.00
3/26/2010	Melissa R. Davis	\$1.66
3/26/2010	Melissa R. Davis	\$1.68

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3/26/2010	Ernest R. Derrick	\$1,000.00
3/29/2010	AT&T	\$10,000.00
3/29/2010	The Woman's Club of Colu	\$2,000.00
3/29/2010	Randall Sturkey	\$1,000.00
3/29/2010	Cash	\$37.00
3/30/2010	Cash	\$6.00
3/30/2010	Valerie Skinner	\$200.00
3/30/2010	Linda Paschal	\$50.00
3/30/2010	Susan Brock	\$50.00
3/30/2010	Patrick W. Bonds	\$50.00
3/30/2010	Kimberley A. Amos	\$100.00
3/30/2010	Audra Barefoot	\$50.00
3/30/2010	Kristen Strange	\$100.00
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3/30/2010	Kathleen A. Stockholm	\$50.00
3/30/2010	Betty Crosby-Krivan	\$20.00
3/30/2010	Lisa H. Williams	\$50.00
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3/30/2010	Thom Jones	\$50.00
3/30/2010	Linda W. Grimes	\$1,000.00
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3/30/2010	Amanda Jovenel	\$50.00
3/30/2010	LaDawn Kelley	\$50.00
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3/30/2010	Michael Brady	\$50.00
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3/30/2010	Felicia Howell	\$50.00
3/30/2010	Donna J. Irving	\$25.00
3/30/2010	Martha S. Koon	\$50.00
3/30/2010	Andrena C. Wilson	\$50.00
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3/30/2010	Mary Tanner	\$50.00
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3/30/2010	Lindsay Huffstatler	\$20.00
3/30/2010	Luz Salazar	\$50.00
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4/5/2010	Lyman Whitehead	\$100.00
4/6/2010	Cash	\$31.00
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4/9/2010	Maria C. Addy-Starino	\$1.65
4/9/2010	Maria C. Addy-Starino	\$1.70
4/9/2010	Maria C. Addy-Starino	\$1.65

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4/21/2010	Cheryl A. Freeman	\$50.00
4/21/2010	Barbara J. Houska	\$50.00
4/21/2010	Sharon E. Wayland	\$50.00
4/21/2010	Angela Smith	\$25.00
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4/21/2010	Melaine Webb	\$50.00
4/21/2010	Leslie M. Anderson-Willi	\$50.00
4/21/2010	Nancy H. Penney	\$50.00
4/21/2010	Kerry Nunley	\$5.00
4/21/2010	Portia Witherow	\$25.00
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4/21/2010	Rebecca M. Willis	\$50.00
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4/21/2010	Mayuri Shah Williams	\$50.00
4/21/2010	Elizabeth Rinwick	\$50.00
4/21/2010	Holly L. McLaurin	\$10.00
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4/21/2010	Kaye Shealy	\$20.00
4/21/2010	Joy T. Reynolds	\$50.00
4/21/2010	Jody M. Poole	\$50.00
4/21/2010	Melissa B. Platt	\$50.00
4/21/2010	Karyn M. Khare	\$25.00
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4/21/2010	Jodi W. Moore	\$50.00
4/21/2010	Julie Cathey	\$75.00
4/21/2010	Linda Smith	\$50.00
4/21/2010	Annie R. Lykes	\$50.00
4/21/2010	Sarah C. Frye	\$10.00
4/21/2010	Patricia Chapman-Jenning	\$50.00
4/21/2010	Leisha Terry	\$50.00
4/21/2010	Stanley M. Young	\$50.00
4/21/2010	Paul E. Moody	\$50.00
4/21/2010	Carla Stone	\$50.00
4/21/2010	Crystal Bouknight	\$20.00
4/21/2010	Richard F. Buff	\$50.00
4/21/2010	Karen W. Hicks	\$50.00
4/21/2010	David D. Rish	\$50.00
4/21/2010	Laura Holt	\$50.00
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4/21/2010	Amelia Greene	\$50.00
4/21/2010	Jill V. Reinhart	\$30.00
4/21/2010	Katherine C. Jeffords	\$50.00
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4/21/2010	Marla Overton	\$50.00
4/21/2010	Tiffany S. Stogner	\$50.00
4/21/2010	Sheri L. Felkel	\$50.00
4/22/2010	Gloria S. Cook	\$2,500.00
4/22/2010	Shealy's Bar-B-que House	\$2,000.00
4/23/2010	AT&T	\$5,000.00
4/23/2010	Christal S. Abraham	\$5.00
4/23/2010	Denise V. Adams	\$2.50
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4/23/2010	Maria C. Addy-Starino	\$1.65
4/23/2010	Carla W. Albright	\$5.00
4/23/2010	Kimbla S. Alexander	\$5.00
4/23/2010	Connie L. Allman	\$5.00

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December 14, 2007

Dear _____:

On November 29, 2007, Sister Judith Ann Karam, the President and Chief Executive Officer of Providence Hospital, sent members of the State Health Planning Committee a letter which purports to inform the Committee of "certain events" concerning Lexington Medical Center's desire to bring comprehensive cardiac services to the citizens of Lexington County. Rather than being informative, however, Providence's letter contains numerous errors and mischaracterizations of facts that, if left uncorrected, could mislead the new members of the Planning Committee about how and why the State Health Planning Committee came to vote unanimously to revise the open heart surgery provisions in the draft *2007 State Health Plan*. The facts are as follows.

Lexington Medical Center is a not-for-profit, governmental incorporated health services district that operates a comprehensive health care system consisting of a 346-bed acute care hospital (the sole provider of hospital services in Lexington County), a 388-bed nursing home (the largest in the State), six community medical centers providing urgent care services throughout Lexington County, including three centers located 20 to 25 miles from the main hospital campus, and a network of 36 physician practices employing approximately 150 primary care and specialty physicians. Lexington Medical Center has approximately 600 physicians on its hospital medical staff, including 53 cardiologists and eight cardiovascular surgeons.

In February 2002, after receiving certificate of need approval from DHEC without opposition from any person or provider, Lexington Medical Center opened its diagnostic catheterization laboratory. During its first calendar year of operation, the Lexington Medical Center cath lab performed approximately 900 diagnostic caths. Under the *State Health Plan*, performance of at least 1200 diagnostic caths per year supports the need for an open heart surgery program.

In 2003, Lexington Medical Center recorded 73,000 patient visits at its main campus emergency department and in excess of 130,000 patient encounters at its six urgent care centers, making Lexington Medical Center among the three busiest emergency rooms in the State. Not surprisingly, in 2003, a little over one year after it opened, Lexington Medical Center's cath lab reached the *Plan* threshold by performing 1,210 diagnostic caths. Therefore, based on the advice of the cardiologists and emergency room physicians on its medical staff, in April 2004, Lexington Medical Center decided to seek authority to provide not just diagnostic services but to also offer comprehensive cardiac services to its patients.

Lexington Medical Center applied for open heart surgery authority under the portion of the *State Health Plan* known as the "single county exception". The single county exception was first placed in the *Plan* in 1999 and has appeared in every *State Health Plan* since that time. The single county exception is a recognition by the Planning Committee and the Board that access to open heart surgery services outweighs the adverse effects on other providers when the sole hospital in a county reaches the 1,200 diagnostic cath threshold. On October 14, 1999, Anderson



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Area Medical Center (now AnMed Health) qualified and was approved to provide open heart surgery services under the single county exception.

Lexington Medical Center's application to provide comprehensive cardiac services was not opposed by any consumers or physicians but was supported by 650 letters of support, including 175 from physicians, 30 of whom were cardiologists. Lexington Medical Center was opposed by Providence Hospital and by Palmetto Richland seeking to preserve the market shares of their existing programs.

After DHEC staff denied its application, Lexington Medical Center continued its mission to provide comprehensive cardiac services before the Administrative Law Court and in the Legislature. Lexington Medical Center's efforts in the General Assembly were focused not on "carving out" open heart surgery from the CON process, as Providence alleges, but in assuring that the Department followed the existing single county exception which had been in the *Plan* since 1999.

In the Administrative Law Court, Lexington Medical Center presented hours of testimony concerning the need for comprehensive cardiac services at Lexington Medical Center. For example, it was undisputed that by the end of 2005, Lexington Medical Center's annual volume for its single cath lab had increased to 1,532 diagnostic cath. This utilization was more than two times that of any other diagnostic cath lab in the State without therapeutic cath and open heart surgery authority.

In addition, *every* testifying physician witness, whether appearing for Lexington or Providence or Palmetto Richland, who was asked the question agreed that, when dealing with acute coronary syndrome, prompt treatment is the critical factor in preventing loss of life or serious disability. Under the American Heart Association/American College of Cardiology standards, the critical time for clearing a blockage and restoring blood flow to patients experiencing acute myocardial infarction is 90 minutes from when the patient arrives in the emergency room. One of Providence's own cardiologists indicated that, in his experience, the critical time was actually only 30 to 40 minutes and that there is a greater risk of tissue loss or tissue damage for "each minute that goes by." Palmetto Richland's cardiologist witness acknowledged, that, all things being equal, because of the time factor he would rather be treated on site at Lexington than transported to another facility. In short, the uncontradicted clinical evidence is that the time of treatment in acute cardiac cases is crucial to outcome and that any delay, including the delay of transport, places a patient at risk.

The undisputed evidence before the Administrative Law Court was that Lexington Medical Center was required to transfer 825 patients to other facilities for emergency and interventional cardiac treatment in 2005, including at a minimum 69 acute myocardial infarction patients who fell into the "emergency" category for whom any delay put them at risk of death or serious disability. An additional 20 patients were so critical that Lexington Medical Center cardiologists were required to perform emergency therapeutic catheterizations on them, rather than transport them, in order to save the life of the patient. Lexington Medical Center physicians testified without contradiction that the majority of patients transferred from Lexington Medical Center do not fall within the 90-minute door to treatment threshold that lessens the risk of death or disability.

Notwithstanding the uncontradicted clinical evidence and the concession of the court that Lexington Medical Center met the requirements of the single county exception, which places access above adverse effect on other providers, the Administrative Law Judge nevertheless determined that a Lexington program would cause the volumes at Providence and Richland to decrease and for that reason should be denied. Because the need continues to exist, Lexington Medical Center appealed the decision of the Administrative Law Judge to the Court of Appeals, where the case is currently pending.

At the request of the Hospital Association, Lexington Medical Center agreed that, rather than continuing to seek redress in the Legislature, Lexington Medical Center would present its case for requiring that the single county exception be followed to the State Health Planning Committee and the Board, the bodies which originally adopted the single county exception. The result was that the State Health Planning Committee voted unanimously to clarify in the draft *2007 State Health Plan* that the single county exception would be applied to favor access when a provider meets the requirements of the exception.

The unanimous wishes of the State Health Planning Committee were thwarted, however, when Providence's President and Chief Executive Officer sent a letter to DHEC staff attacking the Planning Committee as being unduly influenced by Lexington Medical Center. At Providence's instigation, DHEC staff asked the State Ethics Commission to examine the unanimous vote on the single county exception insofar as two of the fourteen members of the Committee had current or former ties to Lexington Medical Center and to issue an advisory opinion on whether those two members could vote on the issue of the single county exception in the future. After months of delay occasioned by Providence's counsel, Lexington Medical Center's counsel, the Department, and the Commission itself, the request for an advisory opinion on the future conduct of two State Health Planning Committee members was withdrawn by the Department. The Department ultimately chose instead to ask for general advice for handling future potential conflicts of interests by all members of the Committee.

Contrary to Providence's assertions, the recent advice of the Ethics Commission does not in any way concern Lexington Medical Center, the single county exception, or the past votes of the Planning Committee on that issue. According to counsel for the Ethics Commission, the advice of the Commission is prospective and applies to all hospitals. (Exhibit "A", attached hereto). The advice of the Ethics Commission does not "require" the staff to abandon the draft *2007 State Health Plan* or the Committee itself to ignore the attempted revisions to the single county exception.

In her November 29 letter, Providence's CEO expresses Providence's opposition to including in the draft *2008 Plan* any provision that would allow South Carolina hospitals to participate in a C-Port study program currently being conducted nationwide. Lexington Medical Center also opposes this program as being contrary to AHA/ACC and other clinical standards that prohibit elective therapeutic catheterizations without open heart surgery backup.

For this same reason, Lexington Medical Center has chosen not to apply for the emergency PCI authority that was added to the *2004-2005 Plan*. Under that section, a provider is required to project the performance of at least 36 "emergency" PCIs per year and such

emergency PCIs "must be performed routinely as the treatment of choice for a large portion of patients with acute myocardial infarctions". Lexington Medical Center continues to believe that its current practice of allowing its cardiologists to perform emergency PCIs only when the individual cardiologist determines that the life of the patient is at immediate risk is consistent with AHA/ACC guidelines and is the best clinical practice. Lexington Medical Center also continues to believe that allowing large, single county hospitals with sufficient volumes of cardiac patients to develop comprehensive cardiac programs, including open heart surgery services, is the best way to address the need for emergency PCIs.

Finally, in its letter, Providence urges the Committee to leave intact the current language in the *State Health Plan* as it relates to open heart surgery services with the stated goal of preventing further cardiac services programs in the Midlands. Although Providence correctly states that healthcare planning should be based upon data and statistics, Providence provides no such information to the Committee.

Access-to-intervention is the touchstone of modern cardiac care. The proposed revisions that were included in the draft *2007 State Health Plan* sought to strike a balance between access to care and the impact of additional programs on existing facilities. By insuring that a hospital has a substantial critical mass of patients, these amendments would have insured that patients in a large tertiary care facility such as Lexington Medical Center have access to life-saving intervention.

As outlined above, all of the efforts of Lexington Medical Center have been in furtherance of enforcing the *Plan's* single county exception which recognizes that the benefits of access for a large regional population outweigh adverse effects on other facilities. In sum, had the Department followed the single county exception, as it did for AnMed, an open heart program at Lexington Medical Center would have been approved three years ago.

We urge you in your consideration of the draft *2008 Plan* to incorporate the unanimously approved revisions to the cardiac services criteria contained in paragraphs (5), (6), and (7), pages II-52 and II-53, previously set forth in the draft *2007 Plan*. (Exhibit B, attached). The citizens of South Carolina are entitled to benefit from the latest developments in healthcare. Our planning process should not prevent large hospitals from saving lives.

Thank you for your consideration of Lexington Medical Center's position on these vital issues.

Sincerely,

Michael J. Biediger
President & CEO

State of South Carolina
State Ethics Commission

COMMISSIONERS
KENNETH C. KRAWCHUCK, MEMBER AT LARGE
CHAIRMAN
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G. CARLTON MANLEY, MEMBER AT LARGE

3000 THURMOND MALL, SUITE 240
COLUMBIA, S.C. 29201

ROBERT R. HAYDEN, JR.
EXECUTIVE DIRECTOR

September 11, 2007

Mr. John P. Freeman
2328 Wilmet Avenue
Columbia, South Carolina 29205-3164

Mr. David B. Sumner, Jr.
Parker Poe
Post Office Box 1580
Columbia, South Carolina 29202-1609

RE: Formal Advisory Opinion Request

Dear Messrs. Freeman and Sumner:

Please be advised that DHEC has withdrawn its previous advisory opinion request. DHEC has requested a formal advisory opinion on a prospective issue. The letter is enclosed. The Commission will review this request and my draft opinion at its September 19th meeting. Although you are both more than welcome to attend I believe your specific clients have no more of an interest in this request than any other South Carolina hospital.

If I can assist you further on this matter, please feel free to contact me.

Sincerely,

Cathy L. Hazelwood
Cathy L. Hazelwood
Assistant Director and General Counsel

Enc.

(803) 253-4192

<http://ethics.sc.gov/>

FAX (803) 253-7519

Exhibit B

- (3) The capacity of an open heart surgery program is determined to be 500 open heart procedures per year for the initial open heart surgery unit and each additional dedicated open heart surgery unit (i.e. each operating room equipped and staffed to perform open heart surgery has a maximum capacity of 500 procedures annually).
- (4) There should be a minimum of 200 adult open heart surgery procedures performed annually per open heart surgery unit, within three years after initiation in any institution in which open heart surgery is performed for adults. In institutions performing pediatric open heart surgery there should be a minimum of 100 pediatric heart operations per open heart surgery unit; at least 75 should be open heart surgery.
- (5) New open heart surgery services shall be approved only if the following conditions are met:
- A. Each existing unit in the service area (defined as all facilities within 60 minutes one way automobile travel, excluding any facilities located in either North Carolina or Georgia) is performing an annual minimum of 350 open heart surgery procedures per open heart surgery program for adult services (70 percent of functional capacity). The standard for pediatric open heart cases in pediatric services is 130 procedures per program.
- B. An applicant must project that the proposed service will perform a minimum of 200 adult open heart surgery procedures annually per open heart surgery program, within three years after initiation (the standard for pediatric open heart surgery shall be 100 procedures annually per open heart surgery program within three years after initiation):
1. using a standard of every four (4) diagnostic cardiac catheterizations performed generating one (1) open heart surgery, the applicant must demonstrate that the facility performs sufficient diagnostic cardiac catheterizations to generate the minimum volume of open heart surgeries.
 2. the applicant shall provide epidemiological evidence of the incidence and prevalence of conditions for which open heart surgery is appropriate within the proposed service area, to include the number of potential candidates for these procedures;
 3. the applicant shall provide an explanation of how the applicant projects the utilization of the service and the effect of its projected utilization on other open heart surgery services, including:
 - a. the number of patients of the applicant hospital who were referred to other open heart surgery services in the preceding 3 years and the number of these patients who could have been served by the proposed service;

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OUR PROPOSAL

- b. the number of additional patients, if any, who will be generated through changes in referral patterns, recruitment of specific physicians, or other changes in circumstances. The applicant shall document the services, if any, from which these patients will be drawn; and
 - c. the existing and projected patient origin information and referral patterns for each open heart surgery service serving patients from the area proposed to be served shall be provided.
- C. No new open heart surgery programs shall be approved if the new program will cause the annual caseload of other programs within the proposed service area to drop below 350 adult procedures or 150 pediatric procedures per open heart surgery program.
- (6) Notwithstanding the foregoing and notwithstanding any other standard contained in this Plan, an applicant shall be deemed to have demonstrated that need exists and that improved accessibility outweighs the adverse effects of duplication if the applicant demonstrates compliance with the following four criteria:
- A. There are no other open heart surgery programs located in the same county as the applicant; and
 - B. The proposed facility currently offers cardiac catheterization services and provided a minimum of 1,200 diagnostic catheterizations equivalents, without regard to patient origin, in the previous year of operation; and
 - C. The applicant currently has more than 300 licensed general acute care hospital beds; and
 - D. The applicant had more than 65,000 emergency room visits in the previous year of operation.
- (7) Expansion of an existing open heart surgery service shall only be approved if the service has operated at a minimum use rate of 70 percent of capacity for each of the past two years and can project a minimum of 200 procedures per year in the new open heart surgery unit. The applicant shall document the other service providers, if any, from which these additional patients will be drawn.
- (8) The application shall include standards adopted or to be adopted by the service, consistent with current medical practice as published by clinical professional organizations, such as the American College of Cardiology or the American Heart Association, defining high-risk procedures and patients who, because of their conditions, are at high risk and shall state whether high-risk cases are or will be performed or high-risk patients will be served.

Lexington Medical Center

Facilities

Lexington Medical Center (384 licensed beds)
LMC – Extended Care (388 licensed beds)
LMC – Batesburg-Leesville (urgent care)
LMC – Chapin (urgent care)
LMC – Gilbert (urgent care)
LMC – Irmo (outpatient surgery, radiology, CT, MRI, lab, physicians)
LMC – Lexington (outpatient surgery, radiology, CT, MRI, lab, physicians)
LMC – Swansea (urgent care)
Occupational Health
Physician Practices (159 physicians, 44 mid-levels)

Statistics

	<u>2007 FY</u>	<u>Projected 2008 FY</u>
Employees	4,524	4,862
Admissions	19,211	20,800
Average Daily Census	266	279
Deliveries	2,861	3,300
Surgeries	17,745	19,600
Neurosurgeries	1,172	1,250
Emergency Dept. Visits	74,583	86,500
Urgent Care Visits	139,776	151,000
ED/UC Total Visits	214,359	237,500

Additional Heart Facts

- The population of Lexington County is almost 250,000 people and Lexington County is one of the fastest growing counties in South Carolina.
- Lexington Medical Center is one of the largest hospitals in South Carolina.
- LMC has the second busiest Emergency Room in South Carolina (86,000 patient visits). Spartanburg is #1.
- LMC does more surgeries than any other hospital in the Midlands.
- LMC does more neurosurgeries than any other hospital in the Midlands.
- LMC's 6 urgent care centers care for more than 150,000 patients per year.
- LMC's Medical Staff includes 600 physicians. Of those, 50 are cardiologists.
- The Cardiac Surgeons at Providence and Richland are also on the Medical Staff at LMC.
- An open heart surgery program in Lexington County will improve access to emergency heart care and lower avoidable deaths and disabilities.
- The tie vote at the State Health Planning Committee indicated that the Committee couldn't make a decision and the decision needs to be made by the DHEC Board.

From DHEC Proposed Draft State Health Plan
2008

LICENSED
BEDS

DIAGNOSTIC
HEART CATHS

OPEN HEART
SURGERIES

HOSPITAL	LIC BEDS	ER VISITS	DIAG CATHS	OH CASES
Hilton Head	93	20,281	501	12
Aiken	183	48,192	908	91
Self	334	53,120	1,224	132
Piedmont	332	43,514	1,673	166
St Francis	228	30,900	1,307	226
Trident	288	57,745	1,666	236
Carolinas	310	37,629	1,188	247
Anderson	423	67,884	1,976	285
McLeod	453	57,813	1,868	309
Spartanburg	532	93,471	3,254	383
Grand Strand	289	66,891	845	404
Richland	579	87,997	2,898	450
Roper	401	68,556	2,055	451
MUSC	804	50,427	1,833	530
GHS	900	79,210	2,884	710
Providence	258	17,877	3,924	828
Total	6,193	859,367	30,004	5,438
Average	387	53,710	1,875	340
Median	333	55,433	1,760	287
Lexington	384	71,203	1,355	
# Less Than LMC	9	14	6	0

Certificate of Need Standards for Open Heart Surgery

Proposed Changes

Ref. page II-52

(5) New open heart surgery services shall be approved only if the following conditions are met:

A. Each existing unit in the service area (defined as all facilities within 60 minutes one way automobile travel, excluding any facilities located in either North Carolina or Georgia) is performing an annual minimum of 350 open heart surgery procedures per open heart surgery unit program for adult services (70 percent of functional capacity). The standard for pediatric open heart cases in pediatric services is 130 procedures per unit program. ~~An exception to this requirement may be authorized should an applicant meet both of the following criteria:~~

~~1. There are no other open heart surgery programs located in the same county as the applicant; and,~~

~~2. The proposed facility currently offers cardiac catheterization services and provided a minimum of 1200 diagnostic catheterization equivalents in the previous year of operation.~~

B. An applicant must project that the proposed service will perform a minimum of 200 adult open heart surgery procedures annually per open heart surgery unit program, within three years after initiation (the standard for pediatric open heart surgery shall be 100 procedures annually per open heart surgery unit program within three years after initiation):

1. using a standard of every four (4) diagnostic cardiac catheterizations performed generating one (1) open heart surgery, the applicant must demonstrate that the facility performs sufficient diagnostic cardiac catheterizations to generate the minimum volume of open heart surgeries.

2. the applicant shall provide epidemiological evidence of the incidence and prevalence of conditions for which open heart surgery is appropriate within the proposed service area, to include the number of potential candidates for these procedures;

3. the applicant shall provide an explanation of how the applicant projects the utilization of the service and the effect of its projected utilization on other open heart surgery services, including:

a. the number of patients of the applicant hospital who were referred to other open heart surgery services in the preceding 3 years and the number of these patients who could have been served by the proposed service;

b. the number of additional patients, if any, who will be generated through changes in referral patterns, recruitment of specific physicians, or other changes in circumstances. The applicant shall document the services, if any, from which these patients will be drawn; and

c. the existing and projected patient origin information and referral patterns for each open heart surgery service serving patients from the area proposed to be served shall be provided.

C. No new open heart surgery programs shall be approved if the new program will cause the annual caseload of other programs within the proposed service area to drop below 350 adult procedures or 130 pediatric procedures per open heart surgery unit program.

(6) No new open heart surgery programs shall be approved if the new program will cause the annual caseload of other programs within the proposed service area to drop below 350 adult procedures or 130 pediatric procedures per open heart surgery unit. Notwithstanding the foregoing and notwithstanding any other standard contained in this Plan, an applicant shall be deemed to have demonstrated that need exists and that improved accessibility outweighs the adverse effects of duplication if the applicant demonstrates compliance with the following four criteria:

1. There are no other open heart surgery programs located in the same county as the applicant; and,

2. The proposed facility currently offers cardiac catheterization services and provided a minimum of 1200 diagnostic catheterization equivalents, without regard to patient origin, in the previous year of operation; and,

3. The applicant currently has more than 300 licensed general acute care hospital beds; and,

4. The applicant had more than 65,000 emergency room visits in the previous year of operation.

Nikki Haley

From: Erin Pope
Sent: Thursday, August 14, 2008 1:26 PM
To: Nikki Haley
Subject: FW: DHEC Board Meeting Decision

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

From: Anthony J. Meyer, Jr.
Sent: Thursday, August 14, 2008 12:55 PM
To: Erin Pope
Subject: FW: DHEC Board Meeting Decision

fyi - Pls forward to Nikki as well

From: Melinda Kruzner
Sent: Thu 8/14/2008 12:20 PM
To: Mike Biediger; Al Harman; Allan Risinger; Betty Shockley; Bill Kennedy; Bill Stilwell; Bill Stilwell; Frank Basnett; Gwen Galphin; Gwen Galphin; Heather Jackson; Janice Burt; Janis Summers; Jimmy Shealy; Larry Stroud; Lyman Whitehead; Thad Westbrook; Vasa Cate; Vince Rhodes; Wade Kelsler
Cc: LMC Vice Presidents
Subject: DHEC Board Meeting Decision

We are very pleased this morning that both the Attorney General and the DHEC Board agreed with LMC that the vote taken by the State Health Planning Committee on June 27th was improper. After hearing arguments from David Summer and the Providence & Richland attorneys, the Board met in executive session for 45 minutes and then unanimously voted to put the plan on hold and send back the Cardiac section to the planning committee for a re-vote.

Attached is a copy of Senator Setzler's request for review to the Attorney General and the AG's official ruling. We will talk more about the next steps at F&O next Thursday but if you have any questions before then feel free to give us a call.

Tod & Melinda



9/12/2011

RaineyProd 0112

Nikki Haley

From: Anthony J. Meyer, Jr.
Sent: Monday, August 18, 2008 11:28 AM
To: Nikki Haley
Subject: RE: Update on Michelin

Great thanks

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

From: "Nikki Haley" <nrhaley@lexhealth.org>
To: "Anthony J. Meyer, Jr." <ajmeyer@lexhealth.org>
Sent: 8/18/2008 11:19 AM
Subject: RE: Update on Michelin

It went fine. We have some work to do not only to switch votes but to hold the ones we have. We are as close as we are going to get and can't afford to leave one stone unturned. We were all given assignments and are working on them. Fingers crossed!

I have a meeting with the State newspaper at 12:00 and some legislative stuff this afternoon. I'm going to try and make it back later this afternoon. I continue to be available through my yahoo email as you need me.

I will be out of town for our legislative caucus meetings in Charleston on Thursday and Friday.

N-

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

From: Anthony J. Meyer, Jr.
Sent: Monday, August 18, 2008 11:14 AM
To: Nikki Haley
Subject: RE: Update on Michelin

Was the heart ctr mtg today ? How did it go ?

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

From: "Nikki Haley" <nrhaley@lexhealth.org>
To: "Anthony J. Meyer, Jr." <ajmeyer@lexhealth.org>
Co: "Erin Pope" <EEMcCormick@lexhealth.org>
Sent: 8/18/2008 9:57 AM
Subject: Update on Michelin

I was on the phone with Michelin again this morning. The plant manager just returned from out of the country. We are hoping to get us finalized today as to a time. They are still planning for the 26th.

Thanks,

Nikki



Mike Biediger

From: Mike Biediger
Sent: Thursday, September 11, 2008 12:26 PM
To: nikki_haley@yahoo.com
Subject: RE: Schedule change

Nikki,

Our amendment didn't pass this morning. I'll tell you more about it when I see you.

Mike

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

From: nikki_haley@yahoo.com [mailto:nikki_haley@yahoo.com]
Sent: Thursday, September 11, 2008 7:08 AM
To: Mike Biediger
Subject: Schedule change

Mike,

I had the 9/11 ceremony at the Lex courthouse scheduled for 9-10 this morning. It is actually 10-11. I will be unable to make the DHEC mtg this morning. Please let me know how the vote goes today. My fingers are crossed.

Nikki

Sent from my Verizon Wireless BlackBerry



Nikki Haley

From: Dena Howard
Sent: Thursday, September 26, 2008 8:57 AM
To: Nikki Haley; 'nikki_haley@yahoo.com'
Subject: Tuesday meeting....

Importance: High

Good morning, Nikki. We are trying to schedule a meeting for Tuesday morning to discuss the "Heart CON and Next Steps". What is your availability for Tuesday morning, 9/30? The others involved are: Nikki Setzler, Thad Westbrook - Chairman, David Summer, Tod Augsburger and Mike Biedlger. Thanks much!!

Dena Howard
Executive Assistant
Lexington Medical Center-Administration
2720 Sunset Blvd.
West Columbia, SC 29169
Phone: (803) 791-2610
Fax: (803) 791-2660
Email: ddhoward@lexhealth.org

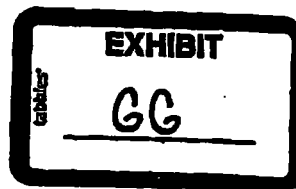


EXHIBIT B

(Letter from Chairman Smith)

Joan B. Brady
Secretary

J. Roland Smith
Chairman

Laurie Slade Funderburk
Treasurer

Michael W. Gambrell

Michael A. Pitts
Vice-Chair

Phillip D. Lowe

Adam M. Anderson
Research Assistant

House Legislative Ethics Committee



Emma Dean
Counsel

House of Representatives
P.O. Box 11867 TELEPHONE (803) 734-3114
ROOM 519 BLATT HOUSE OFFICE BUILDING
Columbia, SC 29211
FAX#: (803) 734-8795

March 15, 2012

CONFIDENTIAL

Christopher P. Kenney
RICHARD A. HARPOOTLIAN, PA
1410 Laurel Street
P.O. Box 1090
Columbia, SC 29201
cpk@harpootlianlaw.com

Dear Mr. Kenney:

This letter is written in response to your request for a House Legislative Ethics Committee complaint form. Please find the requested form enclosed.

When a complaint is filed, we must inform the person against whom it is filed in accordance with our procedures and state law. In accordance with proper notification and in order to adequately investigate your complaint, the Committee respectfully requests that you complete the enclosed complaint form for the House Ethics Committee. This form requires additional information than the State Ethics Form. Also, it is very important for you to remember that once you start this process, you must keep this matter strictly confidential until its final disposition. House Ethics Committee Rule II.B states that:

1. All records and proceedings involving allegations of misconduct or violations of the Ethics Act and the House Rules are confidential and shall not be disclosed unless the Respondent requests, in writing, that they be made public.
2. No person connected with a matter before the Committee shall mention the existence of such proceedings, nor disclose any information pertaining thereto or discuss any testimony or evidence therein except to persons directly involved, and then only to the extent necessary for the proper disposition of the matter.

3. The willful release of confidential information is a misdemeanor, and persons releasing such confidential information, upon conviction, must be fined not more than one thousand dollars. [8-13-320(10)(g)]

The Committee must first determine whether the complaint alleges facts which constitute a violation of the Ethics Act. If the complaint states a sufficient claim, the committee must then investigate the allegations to determine whether there is probable cause to support an allegation of a violation. If the Committee determines there is probable cause, it will then issue an advisory opinion requiring compliance and/or hold a formal hearing on the matter, make a determination, and issue an order dismissing the charges or imposing sanctions. S.C. Code Ann. §8-13-540.

You will be promptly notified of all determinations regarding this matter. If the Committee can be of any assistance, please do not hesitate to call.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Roland Smith", with a stylized flourish at the end.

J. Roland Smith
Chairman, House Ethics Committee

COMPLAINT FORM

TITLE:

(4) State, with specificity, the dates, places, and times at which or during which such allegations took place.

(5) State the names of any persons present during such alleged actions or possessing evidence of such alleged actions.

(6) Set forth a list of and provide a copy of any documents related to your complaint regarding the respondent.

(7) State any other facts that you feel are pertinent to the allegations against the respondent. (Use additional space if necessary.)

CERTIFICATION:

To the best of my knowledge and belief, the information herein is true, correct, and complete. If errors or omissions are subsequently determined to exist, this report will be amended. I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the House Ethics Committee and its counsel.

Signature

Sworn to me this _____ day of _____, 2012

Notary Public of South Carolina L.S.

My commission expires: _____.

Joan B. Brady
Secretary

J. Roland Smith
Chairman

RECEIVED
June Wade Funderburk
Treasurer

Michael W. Gambrell

Michael A. Pitts
Vice-Chair

JUL 23 2012

Phillip D. Lowe

Richard A. Harpootlian, P.A.
Calendar

Adam M. Anderson
Research Assistant

House Legislative Ethics Committee

Emma Dean
Counsel



House of Representatives
P.O. Box 11867 TELEPHONE (803) 734-3114
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FAX#: (803) 734-8795

JUL 17 2012
HOUSE ETHICS
COMMITTEE

In the Matter of Nikki R. Haley

BEFORE THE HOUSE ETHICS COMMITTEE

ORDER

On June 28, 2012, the House Ethics Committee reviewed over a thousand pages of exhibits and heard testimony from eleven witnesses including Respondent Nikki Haley (hereinafter referred to as Respondent), each with first-hand knowledge of the events alleged by the complainant. Prior to the hearing, on June 14, 2012, the Committee issued subpoenas for each witness requested by the Respondent and the Presenter of the Case so that those witnesses would be available to testify at the hearing.

Following the presentation of the case, the House Ethics Committee reconvened on June 29, 2012. On June 29, 2012, the Committee voted to dismiss all the charges alleged against the Respondent in the complaint filed on March 19, 2012. This order provides the findings of fact on which the Committee based its votes to dismiss the charges.

I. False or Misleading Disclosures

- 1) The Respondent worked for Lexington Medical Center Foundation from 2008 through 2010.
- 2) The Respondent made a scrivener's error by reporting her employer as Lexington Medical Center in 2010. The Respondent has since corrected that error by amending her filing.
- 3) During Respondent's employment with Wilbur Smith, Wilbur Smith was not a lobbyist principal.
- 4) During Respondent's employment with Wilbur Smith, Wilbur Smith did not contract with the South Carolina House of Representatives.

Based on these findings of fact, a majority of the Committee concluded Respondent properly disclosed her employment with Lexington Medical Center Foundation and was not required by

statute to disclose her employment with Wilbur Smith under the Ethics Act. Accordingly, by a vote of five to one, this charge was dismissed.

II. Failure to Properly Disclose a Conflict of Interest

- 1) The Respondent obtained a conflict of interest form provided by the House Clerk's Office. The form was identical to others provided by the House Clerk's office, upon request of individual House members.
- 2) The Respondent filled out the form and returned it to the House Clerk's Office for inclusion in the House Journal.
- 3) Due to the Respondent's filing of the form, the Respondent's decision to abstain from a vote was documented in the House Journal.

Based on these findings of fact, the Committee concluded the Respondent properly documented her potential conflict of interest and vote abstention under the Ethics Act. Therefore, the Committee unanimously voted to dismiss the second charge.

III. Use of Public Office to Obtain Illegal Economic Benefit

- 1) Wilbur Smith's contract regarding the State Farmer's Market was canceled in 2007.
- 2) The vote in question took place in 2008.
- 3) The Respondent was not a commission based fundraiser for Lexington Medical Center Foundation.
- 4) The Respondent received no personal benefit from funds raised for Lexington Medical Center.
- 5) Based on uncontroverted testimony, no lobbyist principal donated funds to the Lexington Medical Center Foundation in order to receive legislative favors from the Respondent.

Based on the above findings of fact, the Committee determined that the Respondent did not violate the Ethics Act by participating in the 2008 vote. Further, the Committee determined that the Respondent did not violate the Ethics Act as Respondent did not promise legislative action for financial gain. Accordingly, the Committee unanimously dismissed the third charge.

IV. Engaging in Lobbying While a Member of the House

- 1) The Respondent did not lobby the Department of Health and Environmental Control on behalf of Lexington Medical Center.
- 2) The Respondent's known actions regarding Lexington Medical Center's attempt to acquire a heart hospital were within the scope of her position as a Lexington County lawmaker, and therefore, could not constitute lobbying as defined.

Based on the above findings of fact, the Committee determined that Respondent's known actions did not constitute lobbying under the Ethics Act. Accordingly, the Committee unanimously dismissed the fourth charge.

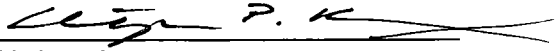
(SIGNATURE PAGE TO FOLLOW)

IT IS SO ORDERED.


Chairman J. Roland Smith
House Ethics Committee

CERTIFICATE OF COUNSEL

The undersigned counsel certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.


Christopher P. Kenney
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street
Columbia, South Carolina 29201
(803) 252-4848
(803) 252-4810 (facsimile)

ATTORNEY FOR APPELLANT

November 13, 2012
Columbia, South Carolina