

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

APPEAL FROM RICHLAND COUNTY DEC 10 2012
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

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 2**

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INDEX

Notice of Appeal dated April 10, 2012.....	1
Order of Dismissal signed by the Honorable L. Casey Manning dated March 21, 2012.....	24
Order Denying Motion to Reconsider signed by the Honorable L. Casey Manning dated April 3, 2012.....	28
Order Denying Petition for Writ of Prohibition dated January 25, 2012.....	32
Complaint for a Declaratory Judgment dated November 17, 2011.....	34
Defendant's Motion to Dismiss and to Stay Case dated December 19, 2011.....	198
Defendant's Memorandum in Support of Motion to Dismiss dated March 12, 2012.....	202
Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss dated March 12, 2012.....	206
Plaintiff's Motion to Alter or Amend Judgment and Memorandum of Law in Support dated March 21, 2012.....	412
Petition for Writ of Prohibition dated December 19, 2011.....	420
Respondent John S. Rainey's Return to Petition for Writ of Prohibition dated December 29, 2011.....	607
Reply in Support of Petition for Writ of Prohibition dated January 6, 2012.....	621
Transcript hearing of Defendant's Pretrial Motion to Dismiss March 12, 2012.....	632
Certificate of Counsel.....	653

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DEC 19 2011

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

Governor Nikki R. Haley,..... Petitioner,

v.

Richland County Court of Common Pleas and John S.
Rainey,..... Respondents.

PETITION FOR WRIT OF PROHIBITION

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TABLE OF CONTENTS

Table of Authorities	ii
Question Presented.....	1
Background.....	1
Arguments and Authorities	3
I. The circuit court does not have subject matter jurisdiction over Mr. Rainey's complaint.	4
A. The General Assembly vested exclusive original subject matter jurisdiction over alleged violations of the State Ethics Code and the laws governing lobbying in executive and legislative agencies.	4
B. The General Assembly wisely prevented politically-based attacks from being presented to the circuit court, as presiding over such cases would invariably erode confidence in the Judiciary.....	6
II. The Court has a duty to issue a writ of prohibition when a circuit court has exceeded its subject matter jurisdiction.	8
Conclusion	10

TABLE OF AUTHORITIES

Cases

<i>Anderson v. Anderson</i> , 299 S.C. 110, 382 S.E.2d 897 (1989).....	4
<i>Atlanta Skin & Cancer Clinic, P.C. v. Hallmark Gen. Partners</i> , 320 S.C. 113, 463 S.E.2d 600 (1995).....	4
<i>Badeaux v. Davis</i> , 337 S.C. 195, 522 S.E.2d 835 (Ct. App. 1999).....	4
<i>Coon v. Coon</i> , 364 S.C. 563, 614 S.E.2d 616 (2005)	4
<i>Erin, Inc. v. White County Circuit Court</i> , 253 S.W.3d 444 (Ark. 2007)	10
<i>Ex Parte Wingate</i> , 166 S.C. 440, 165 S.E. 176 (1932).....	8, 9
<i>Hamilton v. Fulgham</i> , 385 S.C. 632, 686 S.E.2d 683 (2009)	4
<i>New S. Life Ins. Co. v. Lindsay</i> , 258 S.C. 198, 187 S.E.2d 794 (1972).....	8, 9
<i>State ex rel. Dayton Power & Light Co. v. Kistler</i> , 385 N.E.2d 1076 (Ohio 1979)	10
<i>State ex rel. Zimmerman v. Gibbes</i> , 171 S.C. 209, 172 S.E. 130 (1933).....	9
<i>Woodworth v. Gallman</i> , 195 S.C. 157, 10 S.E.2d 316 (1940).....	9

Statutes

S.C. Code Ann. § 8-13-320(10).....	6
S.C. Code Ann. § 8-13-320(10)(m)	6
S.C. Code Ann. § 8-13-320(9)	5, 6
S.C. Code Ann. § 8-13-320(9)(b)(1).....	6
S.C. Code Ann. § 8-13-530.....	6
S.C. Code Ann. § 8-13-530(4).....	5, 6
S.C. Code Ann. § 8-13-540.....	6

Rules

Rule 501, Canon 1(A), SCACR.....	7
Rule 501, Canon 2(A), SCACR.....	7
Rule 501, Preamble to the Code of Judicial Conduct, SCACR.....	7

Treatises

63C Am. Jur. 2d <i>Prohibition</i> § 12 (2009).....	9
72A C.J.S. <i>Prohibition</i> § 10 (2004)	8
72A C.J.S. <i>Prohibition</i> § 4 (2004)	9

Regulations

S.C. Code Ann. Regs. 52-701 to -807.....	6
--	---

Constitutional Provisions

S.C. Const. art. V, § 5	3
-------------------------------	---

QUESTION PRESENTED

The State Ethics Code expressly vests exclusive original jurisdiction over alleged violations of Title 8, Chapter 13 or Title 2, Chapter 7 of the South Carolina Code in the State Ethics Commission and the Legislative Ethics Committees. The only time such allegations can be presented to a court is when the complaint is filed within fifty days of an election in which the defendant is a candidate. No such election is pending. Mr. Rainey, however, filed a complaint in the Richland County Court of Common Pleas alleging that Governor Haley violated these laws. Does the circuit court have subject matter jurisdiction over Mr. Rainey's complaint?

BACKGROUND

On November 17, 2011, Mr. Rainey filed a complaint in the Richland County Court of Common Pleas and alleged that Governor Haley's private employment while a member of the South Carolina House of Representatives violated provisions of the State Ethics Code and the statutes that regulate lobbying. Mr. Rainey seeks a declaratory judgment that Governor Haley violated these statutory provisions, and has cited the Declaratory Judgment Act as the sole basis for subject matter jurisdiction in the circuit court. A copy of this pleading is attached hereto as Exhibit A.

Mr. Rainey's allegations are entirely without merit. Governor Haley has never used, nor would she ever use, her public office for private gain. Mr. Rainey has tried for over a year to drum up public interest in his allegations, but to no avail. Indeed, the frivolity of his claims is best summarized by a letter from Jack Wolfe, President and Chief Executive Officer of Mid-Carolina Electric Cooperative, who Mr. Rainey accused

of contributing money to the Lexington Medical Center Foundation to purchase favor with then-Representative Haley:

We hereby request that you amend your above-referenced complaint against Governor Haley to remove all references to Mid-Carolina Electric Cooperative, Inc. The complaint alleges, among other things, that Mid-Carolina contributed \$10,000 to the Lexington Medical Center Foundation on December 11, 2008, while Governor Haley was associated with Lexington Medical Center as a paid employee. The complaint suggests that the contribution had "little or no connection to LMC/LMCF or the medical industry."

The \$10,000 donation actually came from Mid-Carolina's chapters of WIRE, which stands for "Women Involved in Rural Electrification." ...

The women of WIRE began raising money for breast cancer issues in 1999 when WIRE contributed to the Foundation's Breast Cancer Survivors' Dinner. Every year since, WIRE has contributed funds to the Foundation to support "Becky's Place," a specialized boutique at Lexington Medical Center focused on helping cancer patients deal with their appearance throughout and following their treatment. Located on the ground floor of Lexington Medical Park One, Becky's Place specializes in fitting wigs and breast prostheses for women in an environment that is private and tasteful.

The \$10,000 contribution in 2008 was WIRE's annual charitable gift to Becky's Place. These funds were raised by the women of WIRE through their annual golf tournament and other miscellaneous fundraisers, such as breakfasts, lunches, and other baked goods sales. The contribution continues a proud relationship between WIRE and Becky's Place that started long before Governor Haley began her political career.

... Based on these facts, we respectfully request that you amend your complaint to remove all references to Mid-Carolina Electric Cooperative, Inc.

A copy of this letter is attached hereto as Exhibit B.

In addition to the complete lack of merit to Mr. Rainey's complaint, it should never have been brought in court. The General Assembly has expressly barred such

allegations from being addressed by the Judiciary, instead committing their resolution exclusively to the Executive and Legislative branches. Mr. Rainey, however, has consciously and intentionally circumvented this administrative structure and, instead, has attempted to legitimize his baseless allegations with the imprimatur of the South Carolina Judiciary.

Rather than outright rejecting Mr. Rainey's pleading, the circuit court accepted it, filed it, and assigned it a civil action number. Now, respectfully, it is incumbent on this Court to intercede and put an end to this misappropriation of the circuit court's subject matter jurisdiction for a political stunt.

Governor Haley does not file this Petition lightly. Enough, however, is enough. The integrity of the Judiciary, the State Ethics Code, and the Rule of Law are all at stake. The Court should grant this Petition and issue a writ of prohibition absolving the circuit court of responsibility for hosting this political theater.

ARGUMENTS AND AUTHORITIES

The South Carolina Constitution vests this Court with the responsibility to ensure that the State's lower courts do not exceed their jurisdictional boundaries. *See* S.C. Const. art. V, § 5 ("The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other original and remedial writs."). Here, the State Ethics Code unambiguously prohibits the Judiciary from stamping political attacks masquerading as ethics complaints with the imprimatur of the State. The Court should grant this Petition and issue a writ of prohibition barring the circuit court from assuming jurisdiction over Mr. Rainey's complaint.

I. The circuit court does not have subject matter jurisdiction over Mr. Rainey's complaint.

A. The General Assembly vested exclusive original subject matter jurisdiction over alleged violations of the State Ethics Code and the laws governing lobbying in executive and legislative agencies.

Subject matter jurisdiction is the power of a court to hear and determine a case. *Hamilton v. Fulgham*, 385 S.C. 632, 637, 686 S.E.2d 683, 685 (2009). It is fundamental to our government's separation-of-powers structure that a court's jurisdiction is limited to the authority granted by the South Carolina Constitution and the General Assembly. *Atlanta Skin & Cancer Clinic, P.C. v. Hallmark Gen. Partners*, 320 S.C. 113, 121, 463 S.E.2d 600, 605 (1995). Accordingly, "subject matter jurisdiction cannot be waived or conferred by consent" of the litigants. *Id.*

Without subject matter jurisdiction, anything that a court does is void *ab initio*. *See, e.g., Coon v. Coon*, 364 S.C. 563, 566, 614 S.E.2d 616, 617 (2005) ("A judgment of a court without subject-matter jurisdiction is void."). As a result, this Court has a duty to take notice of and correct circuit courts overstepping the jurisdictional boundaries set by the legislature. *See, e.g., Hamilton*, 385 S.C. at 637, 686 S.E.2d at 686 ("The lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court.") (emphasis added); *Anderson v. Anderson*, 299 S.C. 110, 115, 382 S.E.2d 897, 900 (1989) ("Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court.") (emphasis added); *Badeaux v. Davis*, 337 S.C. 195, 205, 522 S.E.2d 835, 840 (Ct. App. 1999) ("Even though the issue of the Family Court's subject matter jurisdiction was not raised until appeal, and it was raised by the respondent, it is the duty of this court to take

notice and determine if the Family Court had proper jurisdiction for its actions.”)
(emphasis added).

The General Assembly has not given circuit courts subject matter jurisdiction over alleged violations of the State Ethics Code or the statutes that govern lobbying. With respect to all public employees, public members, and public officials other than members of the legislature, the State Ethics Commission is charged with exclusive original jurisdiction to resolve alleged violations of these laws:

The State Ethics Commission has these duties and powers: (9) to initiate or receive complaints and make investigations . . . of statements filed or allegedly failed to be filed under the provisions of this chapter and Chapter 17 of Title 2 [the lobbying statutes] and, upon complaint by an individual, of an alleged violation of this chapter or Chapter 17 of Title 2 by a public official, public member, or public employee except members of or candidates for the General Assembly unless otherwise provided for under House or Senate rules. Any person charged with a violation of this chapter or Chapter 17 of Title 2 is entitled to the administrative hearing process contained in this section.

S.C. Code Ann. § 8-13-320(9) (emphasis added). For legislators, alleged violations of these laws are exclusively within the original jurisdiction of the Legislative Ethics Committee of their respective chamber:

Each ethics committee shall receive and hear a complaint which alleges a breach of a privilege governing a member of the appropriate house, the alleged breach of a rule governing a member of or candidate for the appropriate house, misconduct of a member of or candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2.

Id. § 8-13-530(4).

Once a matter is before the Ethics Commission or a Legislative Ethics Committee, the General Assembly has established a comprehensive, highly-technical administrative process by which alleged violations of the Ethics Code must be resolved.

See id. §§ 8-13-320(9) to -320(10) (explaining the procedures that regulate resolution of complaints by the State Ethics Commission); *id.* §§ 8-13-530 to -540 (detailing the process for resolving complaints presented to the House or Senate Legislative Ethics Committees); S.C. Code Ann. Regs. 52-701 to -807 (outlining additional regulations that govern the process for resolving cases by the State Ethics Commission). Appeals of final agency decisions lie to the Court of Appeals, not to the circuit court. S.C. Code Ann. § 8-13-320(10)(m).

The legislature's unambiguous intention to sequester these cases away from the circuit courts is confirmed by the fact that the Ethics Code vests the Judiciary with jurisdiction over these matters in the limited circumstance when a complaint is filed within fifty days of an election in which the defendant is a candidate. Only then can circuit courts address these types of allegations, and they must do so on an expedited basis. *See id.* § 8-13-320(9)(b)(1) (providing that a complaint may be filed in circuit court only "during the fifty-day period before an election which [the non-legislator defendant] is a candidate" and requiring the court to hold a rule to show cause hearing and resolve the case within ten days); *id.* § 8-13-530(4) (providing the same guidelines for filing a complaint in circuit court against a legislator in the fifty-day period before an election). Because no such election is pending with respect to Governor Haley, this limited grant of jurisdiction is irrelevant here.

B. The General Assembly wisely prevented politically-based attacks from being presented to the circuit court, as presiding over such cases would invariably erode confidence in the Judiciary.

The wisdom behind the General Assembly's decision to carve ethics proceedings out of the jurisdiction of circuit courts is obvious: The Judiciary should not serve as a

vehicle for carrying out a political vendetta. Its impartiality and independence from any form of political influence are paramount to preserving public confidence in its decisions, and such confidence would invariably be eroded if the Judiciary were the arbiter of politically-based attacks.

Indeed, this fundamental point is the foundation of the Code of Judicial Conduct.

As its Preamble outlines:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

Rule 501, Preamble to the Code of Judicial Conduct, SCACR. These guiding principles are echoed throughout the Canons. *See, e.g., id.* Canon 1(A) ("An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintain and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved."); *id.* Canon 2(A) ("A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.").

In short, the legislature has insulated the Judicial Branch from participating in cases arising out of alleged violations of the State Ethics Code because those cases are inevitably infused with and motivated by political interests. Because the General Assembly has vested executive and legislative agencies, not circuit courts, with

exclusive original subject matter jurisdiction over alleged violations of the State Ethics Code and the lobbying statutes, the Court has a duty to step in and protect the Judiciary from being dragged into Mr. Rainey's political attack and his abuse of the legal process. The Judiciary must be above, and must not legitimize, political mudslinging. Respectfully, this Court should issue a writ of prohibition and bar the circuit court from any further involvement in that proceeding.

II. The Court has a duty to issue a writ of prohibition when a circuit court has exceeded its subject matter jurisdiction.

A writ of prohibition is designed to "prevent an encroachment, excess, usurpation, or improper assumption of jurisdiction on the part of an inferior court or tribunal." *New S. Life Ins. Co. v. Lindsay*, 258 S.C. 198, 200, 187 S.E.2d 794, 796 (1972) (quoting *Berry v. Lindsay*, 256 S.C. 282, 287, 182 S.E.2d 78, 81 (1971)). It should be issued when a lower court is operating beyond its jurisdictional boundaries. See *Ex Parte Wingate*, 166 S.C. 440, 442, 165 S.E. 176, 177 (1932) ("The petition resolves itself into the sole question of whether or not the Civil and Criminal Court of Charleston had jurisdiction to try the proceeding in ejectment. If so, the petition for a writ of prohibition should be denied; if not, the writ should be granted.").

This writ is an essential component to this Court's ability to serve as guardian of the State Judiciary, as it is the vehicle through which the Court can swiftly terminate lower-court proceedings that are beyond the jurisdictional boundaries of the judicial branch. See, e.g., 72A C.J.S. *Prohibition* § 10, at 432 (2004) (explaining that a writ of prohibition "is the means whereby the superior court exercises its due superintendence over the inferior court and keeps it within the limits and bounds of the jurisdiction and authority prescribed to it by law").

Although a writ of prohibition is characterized as an extraordinary writ, it is hornbook law that “in a proper case, the use of the writ should be upheld and encouraged, as it is important to the due and regular administration of justice that each tribunal should confine itself to the exercise of those powers with which, under the state constitution and laws, it has been entrusted.” 63C Am. Jur. 2d *Prohibition* § 12, at 14 (2009); *see also* 72A C.J.S. *Prohibition* § 4, at 419 (2004) (“[I]ts use in proper cases should be upheld and encouraged, in order to confine tribunals vested with judicial functions to the exercise of the powers conferred on them.”).

Consistent with this guidance, the Court has not hesitated to issue a writ of prohibition in a variety of settings when a lower court has been presented with a matter beyond its jurisdictional limits. *See, e.g., New South Life Insurance*, 258 S.C. at 205, 187 S.E.2d at 799 (issuing a writ of prohibition and declaring that the Richland County Court was “without jurisdiction to entertain this action” regarding an insolvent insurance company’s proposed rehabilitation plan); *Woodworth v. Gallman*, 195 S.C. 157, 164–65, 10 S.E.2d 316, 319 (1940) (issuing a writ of prohibition and seizing jurisdiction from a circuit court in order to resolve a dispute about the conduct of a city’s housing authority); *State ex rel. Zimmerman v. Gibbes*, 171 S.C. 209, 215–16, 172 S.E. 130, 133 (1933) (issuing a writ of prohibition barring a circuit court from considering a challenge by a defunct bank’s depositors to the decisions made by its appointed conservator); *Ex Parte Wingate*, 166 S.C. at 443–44, 165 S.E. at 177 (issuing a writ of prohibition and vacating a lower court’s ruling on “questions of title to real estate” because such issues were beyond that court’s subject matter jurisdiction).

Likewise, the fact that subject matter jurisdiction over Mr. Rainey's complaint resides solely before an agency, rather than a circuit court, makes no difference to the analysis, as state supreme courts routinely issue writs of prohibition barring trial courts from adjudicating matters that are within the exclusive original jurisdiction of a state agency. *See, e.g., Erin, Inc. v. White County Circuit Court*, 253 S.W.3d 444, 449 (Ark. 2007) (issuing a writ of prohibition and preventing a circuit court from resolving a matter that was within the sole jurisdiction of the Arkansas Workers' Compensation Commission); *State ex rel. Dayton Power & Light Co. v. Kistler*, 385 N.E.2d 1076, 1077-78 (Ohio 1979) (issuing a writ of prohibition to bar a circuit court from resolving a matter within the jurisdiction of the Ohio Public Utilities Commission).

Respectfully, the Court should follow this extensive history and issue a writ of prohibition barring the circuit court from further considering Mr. Rainey's complaint and directing it to dismiss the complaint for lack of subject matter jurisdiction. It is undoubtedly beyond that court's subject matter jurisdiction, and issuance of the writ will prevent further attempts to misappropriate the authority of the Judiciary.

CONCLUSION

The General Assembly has prevented circuit courts from serving as a tool for political attacks based on allegations of Ethics Code violations. Despite the clear impropriety of his filing, Mr. Rainey has ignored the legislature's directive and filed his frivolous complaint in the circuit court anyway.

The Court should not stand for this blatant attempt to manipulate the Judiciary. It should grant Governor Haley's Petition and issue the requested writ of prohibition,

barring the circuit court from considering the matter and directing it to dismiss Mr. Rainey's case.

Respectfully submitted,

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Attorneys for Governor Nikki R. Haley

December 19, 2011
Columbia, South Carolina

Exhibit A

Initial Pleadings in *Rainey v. Haley*,
Civil Action No. 2011-CP-40-7854
(Richland County Court of Common Pleas)

COUNTY OF RICHLAND

JOHN S. RAINEY

CIVIL ACTION COVERSHEET

Plaintiff(s)

2011-CP - 40-

vs.

NIMRATA "NIKKI" R. HALEY

Defendant(s)

(Please Print)

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Telephone #: 803-252-4848

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Other:

E-mail: rah@harpootlianlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings and 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) | | | |
| ☐ 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) | | | |
| Declaratory Judgment | | | |

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-

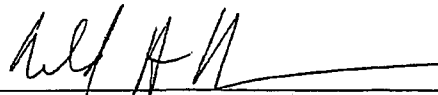
2011 NOV 17 AM 8:14
FILED
RICHLAND COUNTY
JEANETTE W. McBRIDE
C.C.P. & G.S.

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

Dated: November 17, 2011


Plaintiff/Attorney for Plaintiff

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

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 11-CP-40-_____

JOHN S. RAINEY

Plaintiff,

v.

NIMRATA "NIKKI" R. HALEY

Defendant.

COMPLAINT FOR A
DECLARATORY JUDGMENT

JEANE LEE W. McBRIDE
Clerk P. & G.S.

2011 NOV 17 AM 10:14

RICHLAND COUNTY
FILED

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 its 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 Augsburger and Mike Biediger. Thanks much!!

Tod Augsburger 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).

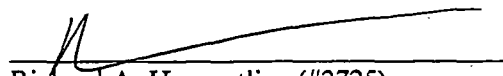
RELIEF SOUGHT

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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ATTORNEYS FOR PLAINTIFF

Columbia, South Carolina

November 17, 2011

NewsRoom

6/22/10 Herald (Rock Hill, S.C.) (Pg. Unavail. Online)
2010 WLNR 12580366

Herald, The (Rock Hill, SC)
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June 22, 2010

Haley failed to reveal \$40,500 of income

John O'Connor

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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.

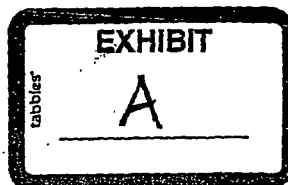
Members of the S.C. House Ethics Committee said she might be required to report the income if she was hired because of her legislative position, but executives with Wilbur Smith said that was not the case.

"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."

WestlawNext



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

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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

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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. Nikki Haley has made government transparency — including income disclosure by lawmakers and state-wide officials — a central issue of her administration. But Haley has not always been as forthcoming as she expects of others.

E-mails: After a local blogger claimed he had an extra-marital affair with Haley, Haley declined to waive an exemption protecting her legislative e-mails from review, saying the issue was a distraction. Later, her Democratic opponent released his e-mails; Haley partially matched his disclosure. Haley declined to release her computer's hard drives.

Her pay: Haley has said lawmakers should disclose their income and voters know their motivations on policy questions. But Haley was paid \$42,500 from 2007 to 2008 by an investment firm that does state work. The company said it hired Haley for her connections and to refer Lexington County business. Haley has declined to say what she did for the company. She says she realized the need for income disclosure only after working for the firm.

Tax returns: Haley released her tax returns only after her GOP primary and general election opponents released their filings.

EXHIBIT

B

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 \$44,195.

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.

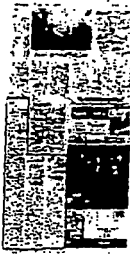
Tax records show Haley and her husband, Michael, had significant swings in income, with Michael Haley's bartering business losing more than \$20,000, combined, in 2006 and 2007.

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.

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Courier
Charleston, SC
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**Haley
records
conflict**

Job-application salary
differs from tax return

BY JOHN O'CONNOR
joconnor@thestate.com

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Haley's chief of staff, Tim

Please see HALEY, Page 8A

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Haley records conflict

HALEY From Page 1A

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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.

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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 \$46,000 in 2004.

Kathy Howell

From: Tim James
Sent: Friday, March 12, 2010 11:33 AM
To: Mike Blediger
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 at 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.

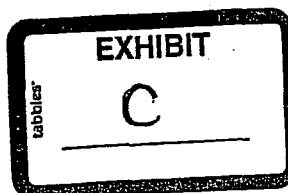
Safe travels!

Tim

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



2/15/2011



RaineyProd 0018

Kathy Howell

From: Mike Biediger
Sent: Wednesday, March 31, 2010 5:55 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
803-791-2540

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

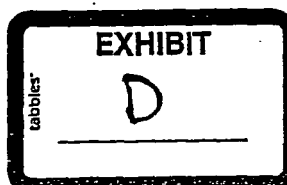
Tim,

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

0473

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](#)>

PRIVILEGED AND CONFIDENTIAL: This electronic message and any attachments are confidential property of the sender. The information is intended only for the use of the person to whom it was addressed. Any other interception, copying, accessing, or disclosure of this message is prohibited. The sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please immediately notify the sender and purge the message you received. Do not forward this message without permission.

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 \$8,017.29 representing approximately 151.6 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 Biediger, 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 Biediger (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 8
Initiated by: Parties
Employee: NKH The Hospital: KH

EXHIBIT

E

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 unconditional 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
Initialed by the Parties
Employee *[Signature]* The Hospital *[Signature]*

(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 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 these 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, Wilnot 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

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

advisor 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 B 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 B 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.

Page 6 of 8
Witness of the Parties
Employee [Signature]
The Hospital [Signature]

- (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 6 of 8
In Witness Whereof
Employee [Signature] The Hospital RH

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, Wilnot Irvin, Esquire, prior to signing it.

Page 7 of 8
In Presence of the Parties
Employee *[Signature]* The Hospital *[Signature]*

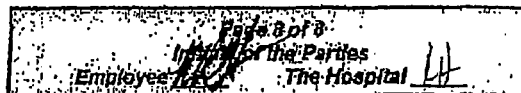
IN WITNESS WHEREOF, we have hereunto set our hand and seal.

Nimrata Nikki Haley

Nimrata Nikki Haley 4/19/10
Employee Signature Date Witness Date

Lexington Medical Center

By: Kathy A. Howell 4-22-2010 Eric McDermott 4/22/2010
Date Date Witness Date
Its: Vice President Human Resources
(Job Title)



RaineyProd 0064

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

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Partner

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1901 Main Street (29201)
Post Office Box 11612
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(803) 255-0000 Tel
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Writer's Direct Dial:
(803) 255-0000

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

April 23, 2010

CONFIDENTIAL

VIA HAND DELIVERY

Wilmot B. Irvin, Esquire
1533 Richland Street
Columbia, SC 29201

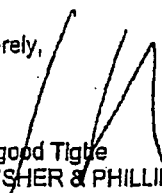
Re: Nikki Haley

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 258847.1

RaineyProd 0055

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

Pay Group: BWS-Biweekly Salaried Pay Group Business Unit: STDBU
Pay Begin Date: 04/18/2010 Check #: 0085571
Pay End Date: 05/01/2010 Check Date: 04/23/2010

Nimrata Nikki Haley 340 Governors Grant Blvd Lexington SC 29072	Employee ID: 17733 Department: 8311-LMC Foundation Location: Lexington Medical Center Job Title: Analyst Exec Direct Foundation Pay Rate: \$4,230.76 Biweekly	TAX DATA: Federal SC State Marital Status: Married n/a Allowances: 4 4 Addl. Pct.: Addl. Amt.:
---	---	--

Dept	Job Code	Description	Rate	Current Hours	Earnings	Description	Current	YTD
8311	103025	Regular Base Pay		27,197.74		Fed Withholding	9,331.63	12,973.04
8311	103025	Pay in lieu of AL - terminated	52,884.300	151.60	8,017.29	Fed MED/RS	310.82	1,001.70
						Fed OASDI/RS	2,183.33	4,283.13
						SC Withholding	2,262.00	4,134.00
Total:				151.60	15,215.03	Total:		

Description	Current	YTD	Description	Current	YTD
SC Retirement System Cap	2,288.98	4,488.98			
Total:					

Current:	35,215.03	32,926.06	14,287.58	2,288.98	18,638.47
YTD:	69,661.11	64,593.73	22,391.87	4,488.98	42,180.26

Begin Balance:	142.00
Hours Earned:	6.50
Hours Taken:	48.00
End Balance:	149.00
Active Balance:	109.00
Reserve Balance:	40.00

Check #0085571	18,638.47
Total:	18,638.47

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

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

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

87-160/532 BRANCH BANKING & TRUST OF SC Check No. 85571

Date: 04/23/2010 Pay Amount: \$18,638.47 ****

Pay to the Order of ****EIGHTEEN THOUSAND SIX HUNDRED THIRTY EIGHT AND 47/100 DOLLARS****

To The Order Of 8311 LMC Foundation
NIMRATA NIKKI HALEY
340 Governors Grant Blvd
Lexington, SC 29072

Melinda K. Hayes

⑈008557⑈ ⑆053201607⑆ 5127203980⑈

April 23, 2010

To Whom It May Concern,

Please accept this letter of recommendation regarding Nikki Haley.

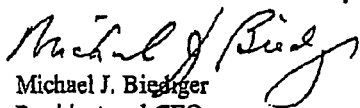
Ms. Haley was employed by Lexington Medical Center from August 11, 2008 through April 23, 2010 as Manager Major Event and Foundation Relations. In this role she was responsible for soliciting financial support from the business community. She maintained a portfolio of donor prospects, along with planning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

ESA.1 STATE ETHICS COMMISSION-STATEMENT OF ECONOMIC INTERESTS FORM

pg. 2 of 4

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, NIKKI R

4. Mailing Address: PO BOX 147

City: LEXINGTON State: SC

Zip: 29071 5. Phone: 803-734-2970

6. Current 4 *Status 4 Position, Title, and Agency (If House or Senate, include District #) 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 five (5) 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

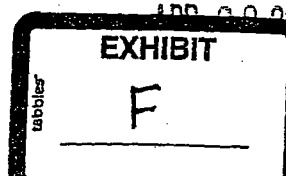
FAXED COPIES WILL NOT BE ACCEPTED

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.

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ESA.2A (Rev. Nov. 2006)



0486

SEC STATEMENT OF ECONOMIC INTERESTS

pg. 3 of 4

E5A.2

(ALL RESPONSES MUST BE FOR THE PRIOR CALENDAR YEAR)

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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APR 20 2007

HOUSE ETHICS
COMMITTEE

0487

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.2A(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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APR 20 2007
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

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

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Real or Personal Property Interests II

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

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
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. ***

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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: 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

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Real or Personal Property Interests

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General Assembly

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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: 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

Regulated Business Associations

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Travel Reimbursement

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General Assembly

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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

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Real or Personal Property Interests

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Lobbyist/Lobbyist's Principal

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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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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 30 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.

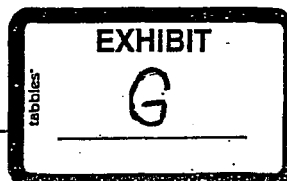
Please note the following dates regarding your employment:

Pre-employment Screening: On August 6, 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



RaineyProd 0051

Department Contact: Anthony Meyer

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 *cp* 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.

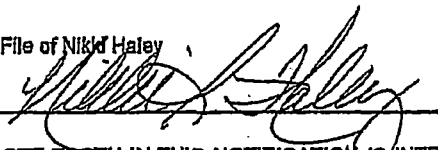
Sincerely,

Farrar S. Stewart, PHR

Associate Director Human Resources

cc: Anthony Meyer

Personnel File of Nikki 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 LMC 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 5, 2008

GENERAL INFORMATION

First Name: * Nikk M: 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 | |
| ☐ Telemetry/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: * 803-996-6656
 Other Name(s) Used: * NA
 Job Title: * CFO
 From (mo/yr): * 1996
 To (mo/yr): * 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 Blatt
 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.cfm?fuseaction=applicant.viewCust...> 8/6/2008

Employer's Phone: 803-734-2970
Other Name(s) Used: NA
Job Title: Rep for Dist 87
From (mo/yr): 2005
To (mo/yr): 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 (mo/yr): 1994
To (mo/yr): 1996
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 6 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 (mo/yr):
To (mo/yr):
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	767-8630

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: 08/06/2008

**Position Applied For**

Position: Supervisor FFS LMC Lex/Imo
 Facility: Lexington Medical Center Lexington
 Department: Lexington Medical Center - Lexington
 Urgent Care
 Schedule: Full time
 Req Num: 6188

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 veteran's status. Lexington Medical Center provides a smoke-free work environment.

*** required information**

August 5, 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: SC

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

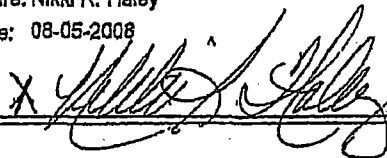
Read the following carefully before signing.

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: 08-05-2008

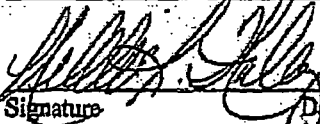
X 

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

DISCLAIMER
LMC POLICIES AND PROCEDURES

ALL EMPLOYEES OF THE LEXINGTON MEDICAL CENTER (LMC) ARE EMPLOYED AT-WILL AND MAY QUIT 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

[REDACTED]
Social Security Number

Revised 6/3/2008

RaineyProd 0041

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

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

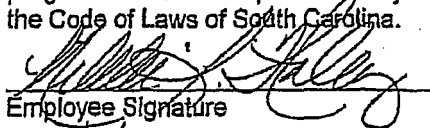
"I agree to hold in strict confidence privileged information concerning the hospital, its patients and employees. I know that confidential treatment of all communication and records pertaining to a patient's care are assured in the patient's bill of rights.

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 Exec Direct Foundation in the 8311 Department; the rate of pay is \$4230.76 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.

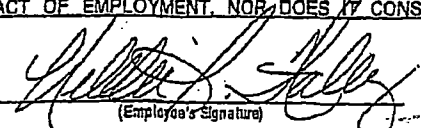
Employees terminated by the hospital for disciplinary reasons shall not be eligible for accrued annual leave.

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.

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
joconnor@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. Nikki Haley has made government transparency – including income disclosure by lawmakers and statewide officials – a central issue of her administration. But Haley has not always been as forthcoming as she expects of others.

E-mails: After a local blogger claimed he had an extra marital affair with Haley, Haley declined to waive an exemption protecting her legislative e-mails from review, saying the issue was a distraction. Later, her Democratic opponent released his e-mails; Haley partially matched his disclosure. Haley declined to release her computer's hard drives.

Income: Haley has said lawmakers should disclose their income so voters know their motivations on policy questions. But Haley was paid \$42,500 from 2007 to 2009 by an engineering firm that does state work. The company said it hired Haley for her connections and to refer Lexington County business. Haley has declined to say what she did for the company. She says she realized the need for income disclosure only after working for the firm.

Tax returns: Haley released her tax returns only after her GOP primary and general election opponents released their filings.

EXHIBIT

H

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 \$44,195.

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.

State
Columbia, SC
Circ. 128564
From Page:
4
3/16/2011
67012





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Courier
Charleston, SC
Circ. 110289
From Page:
1
3/16/2011
64009



01-124 Haley records conflict

Job-application salary
differs from tax return

BY JOHN O'CONNOR
joconnor@thestate.com

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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 that she was paid \$22,000 by her parents' clothing store, Exotica International, during 2007.

In 2008, Lexington Medical hired Haley for a \$110,000-a-year fundraising job, created specifically for her, despite her lack of fundraising experience.

Haley's chief of staff, Tim

Please see HALEY, Page 8A

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 as accompanying form authorizing a background check.

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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.

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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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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

On the web

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 \$46,000 in 2004.

Post and
Courier
Charleston, SC
Circ. 110289
From Page:
4
3/16/2011
64009



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.

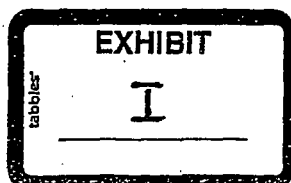
We continue our efforts to gain approval to develop the much-needed Open Heart Surgery program at Lexington Medical Center. When the Lexington Delegation and LMC Board meet (Thursday, October 11th at 6:00 p.m. in the Lexington Medical Park Auditorium), I'll provide an update on our efforts. On a related 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 Biediger, 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

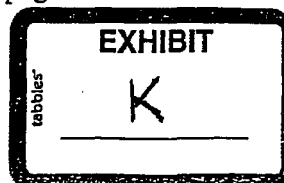
The SPEAKER ordered the following Veto printed in the Journal:

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

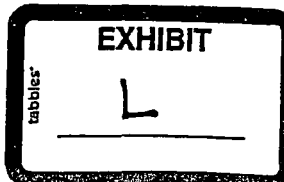
The Honorable Joseph "Joe" Daning
South Carolina House of Representatives
118 Queensbury Circle
Goose Creek, South Carolina 29445

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 COUNCIL\DT27134BB08), 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	Daning
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
Daning	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-MJ

) 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

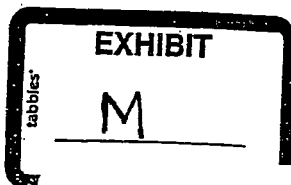
Under the authority granted by §11-35-4230(3) of the Code, the CPOC hereby approves the settlement agreement as set forth in Exhibit "B". Based on the parties' mutual good faith commitment to perform as set forth in the settlement agreement, the CPOC dismisses the joint request for resolution of a contract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

John St. C. White
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").

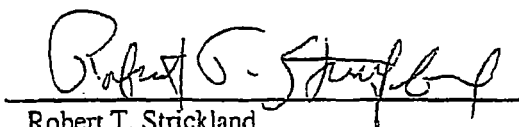
On or about August 11, 2005, the Department and Wilbur Smith (collectively, the "Parties") entered into a contract under which Wilbur Smith agreed to provide certain engineering services for the relocation of the South Carolina Farmer's Market from its current location on Bluff Road in Richland County, 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: 

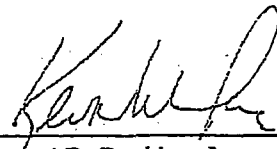
Robert T. Strickland
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
Phone: (803) 799-1111
Fax: (803) 254-1335

Attorneys for Wilbur Smith Associates, Inc.

August 27, 2009
~~July~~

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

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.

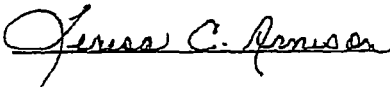
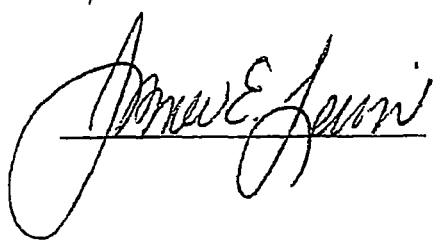
Each signatory to this Agreement warrants and represents as follows:

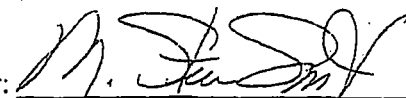
- (a) He or she has read this Agreement, fully understands its terms, and understands it to be a full, final, and binding agreement;
- (b) He or she has sought and received the advice of legal counsel prior to executing this Agreement; and
- (c) He or she is fully authorized to execute this Agreement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

Raymond R. Rife

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

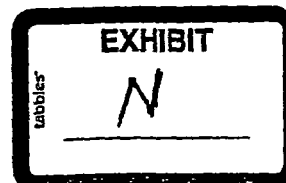
-----Original Message-----

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
McCrorry - 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 Burkett
Ted McGee
Jimmy Shealey

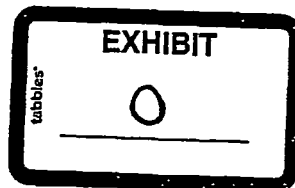
-----Original Message-----

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

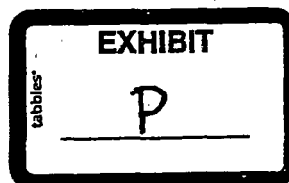
From: KIM.WELLMAN@bcbssc.com [mailto:KIM.WELLMAN@bcbssc.com]
Sent: Wednesday, August 12, 2009 10:25 AM
To: Erin Pope
Cc: Nikki Haley
Subject: contribution confirmation

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 (264-5520) 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
I-20 @ Alpine Road, AX-220
Columbia, SC 29219

(803) 264-1011
(800) 288-2227, ext. 41011
Fax: (803) 264-5520



9/12/2011

0554

RaineyProd 0130

Tim James

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

For the week ending 9/25/09:

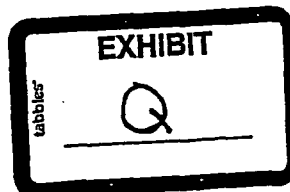
Meeting at LMC at 8:30-11:30 with Alisa and Tony:
Started discussion on Doctors Reception. Set date for 11/12/09.
Discussed upcoming dates: Womens Night Out, computer training
Discussed office supply order by year end and past dues
Discussed board meeting presentation for Dr. Cate

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

0555

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

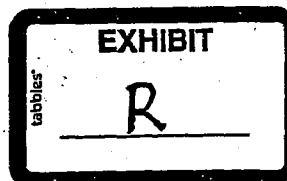
Sent from my iPhone

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

0558

RaineyProd 0255

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: nikki_haley@yahoo.com
Sent: Tuesday, January 12, 2010 2:21 PM
To: Tim James; Erin Pope; Tony Payne; Patti Williams
Subject: New Sponsor

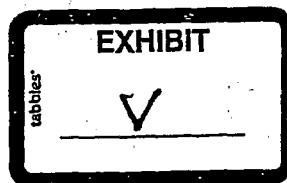
We just got Time Warner's sponsorship at \$5k. Erin, contact Dan Jones.

Fyi...saw the Ambassador today. He is very excited about the event.

Thanks.

N-

Sent from my Verizon Wireless BlackBerry



Tim James

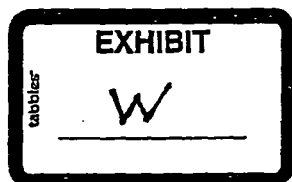
From: nikki_haley@yahoo.com
Sent: Monday, January 18, 2010 10:29 AM
To: Tim James; Erin Pope; Tony Payne; Patti Williams
Subject: Sponsor

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 <Tmjames@lexhealth.org>; Tony Payne <ampayne@lexhealth.org>
Sent: Tue, January 19, 2010 10:46:27 AM
Subject: Re: Lee Trevino Sponsors

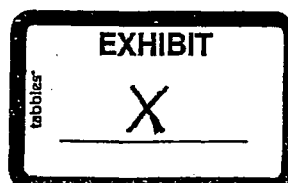
Per your request on which of these I have been in contact with. I have made contact with the following:

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

0562

Nikki Haley

From: Tony Payne

Sent: Tuesday, January 19, 2010 5:13 PM

To: Burkett, Donny ; Mungo, Steven ; Staton, Mary ; Black, Anne; McGee, Ted ; 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 ; Stilwell, Bill; Cate, Dr. Vasa ; Whitehead, Retta ; 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
803-936-8206



9/12/2011

RaineyProd 0127

0563

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

0564

Tim James

From: Nikki Haley [nikki_haley@yahoo.com]
Sent: Tuesday, January 26, 2010 4:05 PM
To: Tony Payne; Erin Pope; Tim James
Cc: nikki_haley@yahoo.com
Subject: Sponsor Update

These are the sponsors I have to date:

AT&T \$10k Henrietta Baskins
CFSA \$5k Contact on file
Mungo \$5k Steven Mungo
Time Warner \$5k Dan Jones

McCrory Const \$2500

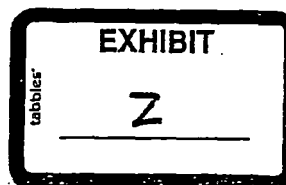
VIP sponsor recep: In kind Ben Arnold . . . Mike Sisk

Corp tables:
Ted McGee \$1k
John Roof \$1k
Jumper Carter Sease \$1k (Todd Sease)
Nelson Mullins \$2k (Erin has contact)
Amick 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

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

McCrory Const \$2500

VIP sponsor recep: In kind Ben Arnold . . . Mike Sisk

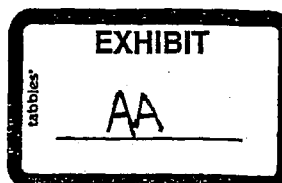
Corp tables:

Ted McGee \$1k
John Roof \$1k
Jumper Carter Sease \$1k (Todd Sease)
Nelson Mullins \$2k (Erin has contact)
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

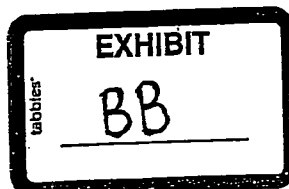
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FOI_QUER9.23.11Final

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 Gastorenterolog	\$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	McCrorry Construction Com	\$5,000.00
11/11/2008	Paul H. Clifton	\$100.00
11/11/2008	L. Todd Sease	\$5,000.00

Page 470



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

Page 471

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

FOI_QUER9.23.11Final

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	Angelia 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

FOI_QUER9.23.11Final

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

FOI_QUER9.23.11Final

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

Page 729

FOI_QUER9.23.11Final

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	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

FOI_QUER9.23.11Final

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	McCrary 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

Page 802

FOI_QUER9.23.11Final

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	Kimbla 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

Page 803

FOI_QUER9.23.11Final

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

FOI_QUER9.23.11Final

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

Page 946

FOI_QUER9.23.11Final

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

Page 1016

FOI_QUER9.23.11Final

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

Page 1040

FOI_QUER9.23.11Final

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 State 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	McCrary 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. Allman	\$5.00
2/26/2010	Connie L. Allman	\$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

Page 1203

FOI_QUER9.23.11Final

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	Sheryll 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

Page 1225

FOI_QUER9.23.11Final

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
3/12/2010	Connie L. Allman	\$5.00
3/12/2010	Connie L. Allman	\$5.00
3/12/2010	Martin W. Allred	\$5.00
3/12/2010	Theresa W. Altman	\$10.00
3/12/2010	William H. Altman	\$26.92
3/12/2010	William H. Altman	\$7.69
3/12/2010	William H. Altman	\$3.85
3/12/2010	Gene D. Alveshire	\$2.50
3/12/2010	Gene D. Alveshire	\$2.50
3/12/2010	Revious V. Amaker	\$5.00
3/12/2010	Paisley C. Amerson	\$2.50
3/12/2010	Paisley C. Amerson	\$2.50
3/12/2010	Brenda W. Amick	\$5.00
3/12/2010	Sandra H. Amick	\$5.00
3/12/2010	Kimberley A. Amos	\$10.00
3/12/2010	Barbara J. Anderson	\$5.00
3/12/2010	Camila K. Anderson	\$2.50
3/12/2010	Camila K. Anderson	\$2.50
3/12/2010	Deborah A. Brown	\$5.00
3/12/2010	Pamela G. Anderson	\$5.00
3/12/2010	Rhonda D. Anderson	\$5.00
3/12/2010	Angelina D. Angel	\$10.00
3/12/2010	Lisa L. Antley-Hearn	\$2.50
3/12/2010	Lisa L. Antley-Hearn	\$2.50
3/12/2010	Sheryl A. Arms	\$5.00
3/12/2010	David M. Arrington	\$38.46
3/12/2010	Dawn Assemany	\$5.00
3/12/2010	Kay S. Austin	\$112.50
3/12/2010	Kay S. Austin	\$37.50
3/12/2010	Timothy C. Ayer	\$5.00
3/12/2010	Cassandra E. Backus	\$5.00
3/12/2010	Faye S. Baker	\$2.50
3/12/2010	Faye S. Baker	\$2.50
3/12/2010	Sharon D. Balaam	\$5.00
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

FOI_QUER9.23.11Final

3/12/2010	Kristy M. Wolff	\$5.00
3/12/2010	Natalie C. Wood	\$5.00
3/12/2010	Melissa L. Wooten	\$2.50
3/12/2010	Melissa L. Wooten	\$2.50
3/12/2010	Danise A. Workman	\$5.00
3/12/2010	Amy B. Worthey	\$5.00
3/12/2010	Jessica L. Levinson	\$5.00
3/12/2010	Jessica L. Levinson	\$4.00
3/12/2010	Jessica L. Levinson	\$1.00
3/12/2010	Jennifer W. Peterson	\$5.00
3/12/2010	Pansy C. Wright	\$2.50
3/12/2010	Pansy C. Wright	\$2.50
3/12/2010	Pansy C. Wright	\$5.00
3/12/2010	Willie A. Wright-Johnson	\$5.00
3/12/2010	Jacqueline H. Wynne	\$10.00
3/12/2010	Jacqueline H. Wynne	\$10.00
3/12/2010	Jacqueline H. Wynne	\$5.00
3/12/2010	Nina M. Yarborough	\$2.50
3/12/2010	Nina M. Yarborough	\$2.50
3/12/2010	Joann Yarsinske	\$2.50
3/12/2010	Joann Yarsinske	\$2.50
3/12/2010	Leslie A. Mostiler	\$2.50
3/12/2010	Leslie A. Mostiler	\$2.50
3/12/2010	Crystal Nicholson	\$5.00
3/12/2010	Deirdre D. Young	\$5.00
3/12/2010	Deirdre D. Young	\$5.00
3/12/2010	My linda L. Young	\$20.00
3/12/2010	My linda L. Young	\$20.00
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
3/16/2010	Blue Cross Blue Shield o	\$20,000.00
3/16/2010	Charles F. Crews	\$100.00
3/16/2010	Lexington Radiology Asso	\$12,000.00
3/17/2010	LMC Extended Care	\$160.00
3/18/2010	Gwendolyn Drakeford	\$1,000.00
3/22/2010	Warren Driggers	\$150.00
3/24/2010	Cash	\$334.35
3/24/2010	Cash	\$518.00
3/25/2010	Cash	\$5.00
3/25/2010	Teresa Thomas	\$50.00
3/26/2010	Aubrey A. Bryant	\$38.47
3/26/2010	Kristy G. Edmonds	\$2.50
3/26/2010	Kristy G. Edmonds	\$2.50
3/26/2010	William J. Fravel	\$38.47
3/26/2010	Phyllis F. Reeves	\$5.00
3/26/2010	Jeremiah A. Jones	\$38.47
3/26/2010	Carl J. Shealy	\$38.47
3/26/2010	Richard W. Stowe	\$100.00
3/26/2010	Cash	\$36.00
3/26/2010	Christal S. Abraham	\$5.00
3/26/2010	Denise V. Adams	\$2.50
3/26/2010	Lillie R. Davis	\$1.25
3/26/2010	Lillie R. Davis	\$1.25
3/26/2010	Linda N. Davis	\$2.50
3/26/2010	Linda N. Davis	\$2.50
3/26/2010	Lisa D. Davis	\$5.00
3/26/2010	Melissa R. Davis	\$1.66
3/26/2010	Melissa R. Davis	\$1.68

Page 1248

3/26/2010	Mindy M. Thompson	\$5.00
3/26/2010	Charles F. Crews	\$100.00
3/26/2010	Charles F. Crews	\$100.00
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
3/30/2010	Dana R. Rudd	\$50.00
3/30/2010	Kathleen A. Stockholm	\$50.00
3/30/2010	Betty Crosby-Krivan	\$20.00
3/30/2010	Lisa H. Williams	\$50.00
3/30/2010	Susan M. Sauer	\$50.00
3/30/2010	Thom Jones	\$50.00
3/30/2010	Linda W. Grimes	\$1,000.00
3/30/2010	Joyce D. Ayers	\$50.00
3/30/2010	Amanda Jovenel	\$50.00
3/30/2010	LaDawn Kelley	\$50.00
3/30/2010	Patricia Davidson	\$10.00
3/30/2010	Michael Brady	\$50.00
3/30/2010	Yvonne D. White	\$20.00
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
3/30/2010	Patricia Kadow	\$60.00
3/30/2010	Sandy Daggerhart	\$50.00
3/30/2010	Wanda W. Adams	\$50.00
3/30/2010	Carol I. Ryan	\$25.00
3/30/2010	Alondrea S. Smith	\$25.00
3/30/2010	Tammy Nicgorski	\$150.00
3/30/2010	Mary Tanner	\$50.00
3/30/2010	Kathryn Cash	\$50.00
3/30/2010	Sherry Miller	\$5.00
3/30/2010	Lindsay Huffstetler	\$20.00
3/30/2010	Luz Salazar	\$50.00
3/30/2010	D. Andrew Johnson	\$50.00
3/30/2010	Nancy T. Rudolph	\$50.00
3/30/2010	Janet Shufelt	\$50.00
3/31/2010	Charles F. Crews	\$152,414.22
3/31/2010	Cash	\$160.00
3/31/2010	Anthony M. Payne	\$50.00
3/31/2010	Jack M. Valpey	\$20.00
4/1/2010	Cash	\$152.00
4/1/2010	Cash	\$40.00
4/5/2010	Lyman Whitehead	\$100.00
4/6/2010	Cash	\$31.00
4/7/2010	Cash	\$50.00
4/7/2010	LMC Extended Care	\$160.00
4/9/2010	Christal S. Abraham	\$5.00
4/9/2010	Denise V. Adams	\$2.50
4/9/2010	Denise V. Adams	\$2.50
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

FOI_QUER9.23.11Final

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
4/21/2010	Linda B. Cook	\$20.00
4/21/2010	Cynthia Rhame	\$25.00
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
4/21/2010	Marie S. Sylvester	\$50.00
4/21/2010	Nichollette Nesbitt	\$50.00
4/21/2010	Laura Thaxton-Scott	\$25.00
4/21/2010	Rebecca M. Willis	\$50.00
4/21/2010	Patricia A. Sessions	\$50.00
4/21/2010	Mayuri Shah Williams	\$50.00
4/21/2010	Elizabeth Rinwick	\$50.00
4/21/2010	Holly L. McLaurin	\$10.00
4/21/2010	William C. Huggins	\$50.00
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
4/21/2010	Myung S. Corwin	\$50.00
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
4/21/2010	Vicky S. Hicks	\$50.00
4/21/2010	Rhonda Arnold	\$25.00
4/21/2010	Amelia Greene	\$50.00
4/21/2010	Jill V. Reinhart	\$30.00
4/21/2010	Katherine C. Jeffords	\$50.00
4/21/2010	Jerry T. Stinecipher	\$50.00
4/21/2010	Dawn M. Murray	\$50.00
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
4/23/2010	Denise V. Adams	\$2.50
4/23/2010	Maria C. Addy-Starino	\$1.65
4/23/2010	Maria C. Addy-Starino	\$1.70
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

December 14, 2007

Dear _____:

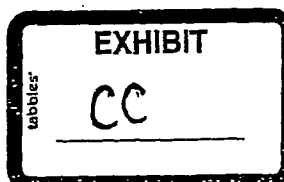
On November 29, 2007, Sister Judith Ann Karam, the President and Chief Executive Officer of Providence Hospital, sent members of the State Health Planning Committee a letter which purports to inform the Committee of "certain events" concerning Lexington Medical Center's desire to bring comprehensive 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



RaineyProd 0336

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. KRAWCHECK, MEMBER AT LARGE
CHAIRMAN
EDWARD S. DURYEA, 2ND DISTRICT
VICE CHAIRMAN
MARVYN D. INFINGER, 1ST DISTRICT



COMMISSIONERS
VACANT, 3RD DISTRICT
JOHNNIE M. WALTERS, 4TH DISTRICT
ROBERT A. BRUCE, 5TH DISTRICT
PRISCILLA L. TANNER, 6TH DISTRICT
SUSAN P. McWILLIAMS, MEMBER AT LARGE
O. CARLTON MANLEY, MEMBER AT LARGE

500 THURMOND MALL, SUITE 150
COLUMBIA, S.C. 29201

HERBERT R. HAYDEN, JR.
EXECUTIVE DIRECTOR

September 11, 2007

Mr. John P. Freeman
2329 Wilmot Avenue
Columbia, South Carolina 29205-3164

Mr. David B. Summer, Jr.
Parker Poe
Post Office Box 1590
Columbia, South Carolina 29202-1509

RE: Formal Advisory Opinion Request

Dear Messrs. Freeman and Summer:

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) 253-7339

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;

OUR PROPOSAL

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 130 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
2006

	LICENSED BEDS LIC	ER VISITS	DIAG CATHS	OH CASES
HOSPITAL	BEDS	VISITS	CATHS	CASES
Hilton Head	93	20,261	501	12
Aiken	183	46,192	908	91
Self	334	53,120	1,224	132
Piedmont	332	43,514	1,673	166
St Francis	226	30,900	1,307	226
Trident	296	57,745	1,686	236
Carolinas	310	37,629	1,188	247
Anderson	423	67,664	1,976	265
McLeod	453	57,813	1,868	309
Spartanburg	532	93,471	3,254	383
Grand Strand	269	66,991	845	404
Richland	579	67,997	2,898	450
Roper	401	68,556	2,055	451
MUSC	604	50,427	1,833	530
GHS	900	79,210	2,864	710
Providence	258	17,877	3,924	826
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

DIAGNOSTIC
HEART CATHS

OPEN HEART
SURGERIES

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

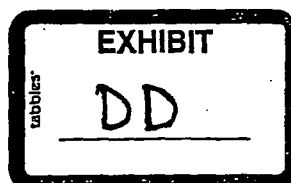
fyi - Pls forward to Nikki as well

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 Keisler
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

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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>
Cc: "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 25, 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 Augsburg and Mike Biediger. 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

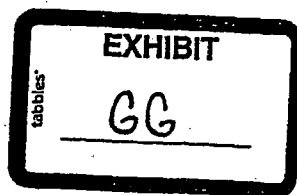


Exhibit B

Letter from Jack F. Wolfe, Jr., President and
CEO of Mid-Carolina Electric Cooperative,
Inc., to Richard A. Harpootlian
(Nov. 23, 2011)

November 23, 2011

Richard A. Harpootlian
1410 Laurel Street
Post Office Box 1090
Columbia, South Carolina 29202

RE: Rainey v. Haley

Dear Mr. Harpootlian:

We hereby request that you amend your above-referenced complaint against Governor Haley to remove all references to Mid-Carolina Electric Cooperative, Inc. ("Mid-Carolina"). The complaint alleges, among other things, that Mid-Carolina contributed \$10,000 to the Lexington Medical Center Foundation ("the Foundation") on December 11, 2008, while Governor Haley was associated with Lexington Medical Center as a paid employee. The complaint suggests that the contribution had "little or no connection to LMC/LMCF or the medical industry."

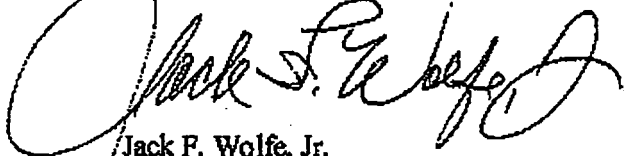
The \$10,000 donation actually came from Mid-Carolina's chapters of WIRE, which stands for "Women Involved in Rural Electrification." The WIRE chapters are composed of members throughout Mid-Carolina's service area. WIRE's core objectives include a charge to improve the quality of life for individual members/families with personal critical needs by providing financial and/or specific assistance.

The women of WIRE began raising money for breast cancer issues in 1999 when WIRE contributed to the Foundation's Breast Cancer Survivors' Dinner. Every year since, WIRE has contributed funds to the Foundation to support "Becky's Place," a specialized boutique at Lexington Medical Center focused on helping cancer patients deal with their appearance throughout and following their treatment. Located on the ground floor of Lexington Medical Park One, Becky's Place specializes in fitting wigs and breast prostheses for women in an environment that is private and tasteful.

The \$10,000 contribution in 2008 was WIRE's annual charitable gift to Becky's Place. These funds were raised by the women of WIRE through their annual golf tournament and other miscellaneous fundraisers, such as breakfasts, lunches, and other baked goods sales. The contribution continues a proud relationship between WIRE and Becky's Place that started long before Governor Haley began her political career.

Mid-Carolina is proud of WIRE's work to combat the effects of breast cancer, especially given that the Foundation's geographical footprint overlaps Mid-Carolina's service territory to such a significant degree. Based on these facts, we respectfully request that you amend your complaint to remove all references to Mid-Carolina Electric Cooperative, Inc. Please feel free to contact me with any questions or concerns.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jack F. Wolfe, Jr.", with a large, stylized initial "J" and "W".

Jack F. Wolfe, Jr.
President and Chief Executive Officer

Cc: Swati Patel, Chief Legal Counsel
Office of the Governor
State of South Carolina
Post Office Box 12267
Columbia, South Carolina 29211

PROOF OF SERVICE

I, the undersigned Attorney of the law offices of Hall & Bowers, LLC, attorneys for Governor Nikki R. Haley, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same to the following address(es):

PLEADING: Petition for Writ of Prohibition

PARTIES SERVED: The Honorable Jeanette McBride
Clerk of the Richland County Court of Common Pleas
1701 Main Street
Columbia, SC 29201

Richard A. Harpootlian
Graham L. Newman
M. David Scott
Christopher P. Kenney
Richard A. Harpootlian, P.A.
1410 Laurel Street
Columbia, SC 29201
Counsel for John S. Rainey

HALL & BOWERS, LLC

By: 

Kevin A. Hall
Karl S. Bowers, Jr.
M. Todd Carroll
1727 Hampton Street
Columbia, SC 29201
(803) 454-6504

Attorneys for Governor Nikki R. Haley

Columbia, South Carolina
December 19, 2011

IN THE SUPREME COURT
OF THE STATE OF SOUTH CAROLINA

IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

Supreme Court Tracking No. 2011205090

RECEIVED

DEC 29 2011

S.C. Supreme Court

Governor Nikki R. Haley..... Petitioner,

v.

Richland County Court of Common Pleas and John S. Rainey..... Respondents.

RESPONDENT JOHN S. RAINEY'S RETURN TO PETITION FOR
WRIT OF PROHIBITION

Richard A. Harpootlian
Graham L. Newman
M. David Scott
Christopher P. Kenney
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street
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TABLE OF CONTENTS

<u>TABLE OF AUTHORITIES</u>	3
<u>QUESTION PRESENTED</u>	4
<u>BACKGROUND</u>	4
<u>ARGUMENT</u>	5
I. The writ should not issue because an extraordinary remedy is not necessary where the Circuit Court has not assumed jurisdiction and a motion to dismiss based upon a lack of subject matter jurisdiction is pending	5
II. The circuit court has subject matter jurisdiction to hear <u>Rainey v. Haley</u> because the South Carolina Ethics Act does not divest jurisdiction from any court.	8
A. The Ethics Act fails to explicitly divest jurisdiction from any court.	9
B. If the Court were to construe the Ethics Act, it would still conclude it does not divest jurisdiction.	9
C. The House Ethics Committee shares concurrent jurisdiction over the Ethics Act with South Carolina courts	12
<u>CONCLUSION</u>	13

TABLE OF AUTHORITIES

Cases

<u>Dema v. Tenet Physician Services-Hilton Head, Inc.</u> , 383 S.C. 115, 678 S.E.2d 430 (2009).....	8
<u>Earthscapes Unlimited, Inc. v. Ulbrich</u> , 390 S.C. 609, 703 S.E.2d 221 (2010).....	6
<u>Ex parte Jones</u> , 160 S.C. 63, 158 S.E. 134 (1931).....	<u>passim</u>
<u>Ex parte Wingate</u> , 166 S.C. 440, 165 S.E. 176 (1932)	6
<u>Hodges v. Rainey</u> , 341 S.C. 79, 533 S.E.2d 578 (2000).....	8, 11
<u>Linda Mc Co., Inc. v. Shore</u> , 390 S.C. 543, 703 S.E.2d 499 (2010).....	8
<u>New South Life Ins. Co. v. Lindsay</u> , 258 S.C. 198, 187 S.E.2d 794 (1972)	<u>passim</u>
<u>State ex rel. Zimmerman v. Gibbes</u> , 171 S.C. 209, 172 S.E. 130 (1933)	6
<u>Woodworth v. Gallman</u> , 195 S.C. 157, 10 S.E.2d 316 (1940)	6

Constitutional Provisions

S.C. Const. art. V, § 5	6
-------------------------------	---

Statutes

S.C. Code Ann. § 8-13-320	<u>passim</u>
S.C. Code Ann. § 8-13-530	<u>passim</u>
S.C. Code Ann. § 8-13-540	<u>passim</u>
S.C. Code Ann. § 14-17-510	8
S.C. Code Ann. § 14-3-350	5
S.C. Code Ann. § 14-8-290	5
S.C. Code Ann. § 42-1-540	10

Rules

Rule 12(b)(1), SCRPC	7
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QUESTION PRESENTED

Should the extraordinary remedy of a writ of prohibition be granted where the Circuit Court has not assumed jurisdiction over the underlying case, where Petitioner simultaneously seeks Rule 12(b)(1) dismissal of the underlying case before the Circuit Court, and where the jurisdictional defects touted by the Petitioner do not exist?

BACKGROUND

Respondent filed suit against Petitioner in Richland County Circuit Court seeking a declaration as to whether Petitioner's conduct constituted a violation of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991, Act 248, 1991 S.C. Laws 1578 (hereinafter "Ethics Act"). (See Pet., Exhibit A) Specifically, Respondent asks the court whether Petitioner violated the law in the following respects: by lobbying a state agency while a member of the General Assembly; by failing to disclose that her reason for recusing herself from voting on legislation was monetary compensation from the legislation's beneficiary; by failing to abstain from a self-interested vote on other legislation authorizing the payment of public money to a corporation employing the Petitioner; and by using her public office to obtain an economic benefit for her employer by soliciting money from registered lobbyists and lobbyists' principals. Respondent also seeks a declaration that Petitioner made false and misleading public disclosures that failed to give accurate, full, and complete information to the public as required by law.

On December 19, 2011, Petitioner filed a Motion with the Richland County Court of Common Pleas asking the court to dismiss Respondent's case for lack of subject matter jurisdiction and lack of standing. Pet'r's Mot. (Exhibit A) Contemporaneously, Petitioner filed a Petition for a writ of prohibition with this Court. The motion pending before the Circuit Court

also requests that court issue a stay pending this Court's resolution of this Petition. For the reasons stated below, Respondent respectfully submits that this Court should deny Petitioner's request for a writ of prohibition.

ARGUMENT

Petitioner's petition for a writ of prohibition is unnecessary and should be denied by this Court. The Petition conflates two separate and distinct questions of law: whether a writ of prohibition is appropriate and whether the circuit court has subject matter jurisdiction. This Court need only consider the first issue of whether a writ of prohibition is appropriate in order to deny the Petition. The requested writ is not necessary because circuit court has not exercised *any* jurisdiction over Rainey v. Haley. Additionally, issuance of the writ is unnecessary as evidenced by Petitioner's own motion requesting that the circuit court dismiss the case for lack of subject matter jurisdiction. For these and the other reasons stated below, the writ should not issue and the Petition should be dismissed. While it is not necessary for the Court to reach the question of whether the circuit court has subject matter jurisdiction, should the Court consider the question it should conclude the circuit court does have jurisdiction.

I. The writ should not issue because an extraordinary remedy is not necessary where the Circuit Court has not assumed jurisdiction and a motion to dismiss based upon a lack of subject matter jurisdiction is pending.

The Court should deny the Petition because the extraordinary circumstances necessary to justify the issuance of a writ of prohibition do not exist. This Court recognizes that a writ of prohibition should be used "with forbearance and caution, and only in cases of necessity." New South Life Ins. Co. v. Lindsay, 258 S.C. 198, 199, 187 S.E.2d 794, 795-96; Ex parte Jones, 160 S.C. 63, 158 S.E. 134, 139 (1931). While the writ will lie to prevent an "encroachment, usurpation, and abuse of judicial power" resulting from the improper exercise of jurisdiction,

"the writ will not lie to correct errors and irregularities in procedure, or to prevent an erroneous decision or ... even in cases of ... the improper assumption of jurisdiction, where an adequate and applicable remedy by appeal, writ of error, Certiorari, or other prescribed methods of review are available." New South Life Ins. Co. at 199, 187 S.E.2d at 795-96, quoting, Ex parte Jones at ___, 158 S.E. at 139.

The controlling inquiry ... is whether the allegations of the complaint show such jurisdictional defects, consequent damage, and absence of adequate and applicable remedy by appeal in case of adverse decision in the particulars above indicated as will warrant the issuing of the writ.

Ex parte Jones at ___, 158 S.E. at 137. Here, the extraordinary circumstances necessary to justify the issuance of the writ do not exist because, first, the Court has not assumed jurisdiction over the case and, second, the precise relief the Petitioner seeks through the writ is available through the circuit court.

The handful of cases in which this Court deemed it appropriate to issue a writ all have one thing in common: the lower court was considering the factual and legal merits of the case. Ex parte Wingate, 166 S.C. 440, 165 S.E. 176 (1932) (lower court *heard case and issued order* exceeding its subject matter jurisdiction); State ex rel. Zimmerman v. Gibbes, 171 S.C. 209, 172 S.E. 130 (1933) (Court *taking* jurisdiction from lower court due to exigent need for expedited review), *aff'd sub nom. Gibbes v. Zimmerman*, 290 U.S. 326, 54 S. Ct. 140 (1933); Woodworth v. Gallman, 195 S.C. 157, 10 S.E.2d 316 (1940) (Court *taking* jurisdiction of case from lower court for expedited review because remedy of appeal was inadequate); New South Life Insurance, 258 S.C. 198, 187 S.E.2d 794 (lower court *continued hearing case* after intervener challenged subject matter jurisdiction). Here, the only actions taken in the underlying case are the Respondent's filing of his complaint and the Petitioner's filing of her motion to dismiss

based upon the precise grounds sought via the instant Petition. The Circuit Court has had no opportunity even to consider the jurisdictional challenge pending before it thus it cannot be alleged that any "encroachment, usurpation, and abuse of judicial power" has occurred.¹

The Petitioner's pending Rule 12(b)(1) motion further obviates the need for the requested writ. In Ex parte Jones, this Court emphasized the necessity of availing oneself of available remedies prior to seeking a writ of prohibition. After reasoning that the lower court acted within its jurisdiction, the Court concluded that:

[The] grounds urged [by the petitioner] do not even remotely disclose such an excess, encroachment, assumption of jurisdiction, or abuse thereof, by the court or judge in such matters, or resultant serious damage, as would warrant the application of the writ. *Even if such jurisdictional defects existed*, it does not appear that the petitioners are without the ordinary, adequate, and appropriate remedy by appeal under our established procedure in the event of an erroneous decision or judgment on any of the questions presented.

Id. at ___, 158 S.E. at 140 (emphasis added). As the Petitioner's pending motion itself notes, Rule 12, SCRCP provides grounds for dismissal of cases due to "lack of jurisdiction over the subject matter." Rule 12(b)(1), SCRCP. Furthermore, questions of subject matter jurisdiction are routinely resolved by our appellate courts. See, e.g., Linda Mc Co., Inc. v. Shore, 390 S.C. 543, 703 S.E.2d 499 (2010). Thus, not only is there an "ordinary, adequate, and appropriate remedy" available to the Petitioner, but the Petitioner is, in fact, pursuing such a remedy. As a result, the

¹ Petitioner seems to argue that a misappropriation of judicial power occurred in the Clerk of Court's acceptance of the complaint for filing. "Rather than outright rejecting Mr. Rainey's pleading, the circuit court accepted it, filed it, and assigned it a civil action number." Pet., 3. Of course, no mechanism exists for a trial judge to refuse to file a plaintiff's complaint and the South Carolina Code, in fact, bestows that ministerial duty upon the Clerk of Court rather than upon the circuit court judge. S.C. Code Ann. § 14-17-510.

requested writ is not "absolutely necessary" and should be denied.²

II. The circuit court has subject matter jurisdiction to hear Rainey v. Haley because the South Carolina Ethics Act does not divest jurisdiction from any court.

Because extraordinary remedy sought by the Petition is unnecessary, the Court need not consider the question of jurisdictional defect. However, should the Court consider whether the circuit court possesses subject matter jurisdiction over the underlying complaint, it should decide that it does pursuant to the circuit court's power to issue declaratory judgments.

Petitioner argues that the Ethics Act divests the circuit court of jurisdiction in code sections establishing and granting power to the State Ethics Commission and/or the House Ethics Committee. "In determining whether the Legislature has given another entity exclusive jurisdiction over a case, a court must look to the relevant statute." Dema v. Tenet Physician Services-Hilton Head, Inc., 383 S.C. 115, 121, 678 S.E.2d 430, 433 (2009). The explicit language of the Ethics Act fails to divest jurisdiction from any court. Additionally, even if this Court were to construe the statute in order to effectuate the General Assembly's intent, this Court would reach the same conclusion.³

² Were this Court to grant the petition, it would invite all current and future parties questioning subject matter jurisdiction to forego the procedure prescribed by the South Carolina Rules of Civil Procedure and petition directly to this Court for intervention.

³ It is necessary to clarify a point confused by the Petition. The Ethics Act establishes three bodies to provide oversight of public officials and other persons subject to the Act. Most public officials, including municipal, county and constitutional officials, are subject to the jurisdiction of the State Ethics Commission. S.C. Code Ann. § 8-13-320(9) (Supp. 2011). Members of the General Assembly are not subject to the jurisdiction of the State Ethics Commission. Id. ("except members or staff, including staff elected to serve as officers or candidates for the General Assembly unless otherwise provided for under House and Senate rules."). Members of the House and Senate are subject to oversight by the Ethics Committees in their respective chambers. Id. § 8-13-510 et seq. The Petition is unclear as to whether Petitioner believes the State Ethics Commission could have jurisdiction over her conduct while a member of the House.

A. The Ethics Act fails to explicitly divest jurisdiction from any court.

In reviewing the meaning of a statute, South Carolina courts attempt to give the statute the meaning intended by the legislature when it passed the statute. Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). To this end, our courts will give the words of a statute their plain meaning and effect. Id. Where the meaning of the statute is clear on its face, no construction is required to ascertain the legislature's intent. Id. In the present case, the code sections establishing the power of the House Ethics Committee and State Ethics Commission contain no express prohibition against any court exercising concurrent jurisdiction over conduct prohibited in the Ethics Act. S.C. Code Ann. §§ 8-13-320, 8-13-530, and 8-13-540 (Supp. 2011). These Sections are also void of any jurisdiction-stripping provision. Id. Certainly the legislature knew how to effectuate its intent had it chosen to strip our courts of jurisdiction over matters within the Ethics Act. See Hodges at 87, 533 S.E.2d at 582. In other instances where the General Assembly has stripped jurisdiction from this state's court, it has done so expressly and with clear statutory direction. E.g., Workers' Compensation Act's exclusive remedy, S.C. Code Ann. § 42-1-540 (1976) ("rights and remedies granted by this Title ... shall exclude all other rights and remedies of such employee"). The provisions cited by Petitioner fail to strip jurisdiction expressly and thus this Court should conclude that the legislature clearly did not intend to deny the circuit court, or any court, subject matter jurisdiction over Respondent's case.

B. If the Court were to construe the Ethics Act, it would still conclude it does not divest jurisdiction.

If the Court finds it necessary to construe the Ethics Act, it should still conclude that the statute fail to strip jurisdiction. When our court's engage in statutory construction, they do so only when the words of the statute are unclear and require the court's interpretation to effectuate

the legislature's intent. Hodges, at 85, 533 S.E.2d at 581. Here, several of the statutes' subsections support Respondent's conclusion that no jurisdiction is stripped from any court.

First, many of the House Ethics Committee powers and duties pertain to clerical or advisory duties, such as the promulgation, collection, and retention of public disclosure information like Statements of Economic Interest and Campaign Committee disclosures and providing advisory opinions to assist members in complying with disclosure requirements. See S.C. Code Ann. § 8-13-530(1) and (7); 8-13-320(1)-(7). Second, the Act authorizes the House Ethics Committee to "receive and hear *a* complaint" not all complaints. Id. § 8-13-530(4). Third, while the Act authorizes the House Ethics Committee to conduct investigations and hearings, id. § 8-13-540(1), these hearings are not judicial proceedings because they are conducted in secret and their results may never be made public. Id. § 8-13-540(2)-(3). Fourth, an appeal of a House Ethics Committee decision lies with the full House of Representatives, not the judiciary. Id. § 8-13-540(4).⁴ Furthermore, the House Ethics Committee and the full House of Representatives are entirely without recourse to punish a violation of law where the offender is a former member of the House other than administer a public reprimand or refer the case to the Attorney General. Id. § 540(3). As discussed below, the Attorney General does not need permission of the House to enforce the Ethics Act. All of these factors suggest concurrent jurisdiction with South Carolina courts.

Fifth and finally, Petitioner contends that Sections 8-13-320(9)(b)(1) and 8-13-530(4) support their conclusion that the legislature's "unambiguous intention" was to "sequester" cases

⁴ Petitioner is correct that a respondent to a State Ethics Commission case may appeal to the Court of Appeals, but only after an investigation, a hearing in executive session, and an appeal to the full commission. S.C. Code Ann. § 8-13-320(10)(m). As previously discussed, this is irrelevant since Petitioner was a member of the House at the time in question.

under the Ethics Act to the exclusive jurisdiction of the Ethics Committees and Ethics Commission except in the "limited circumstance when a complaint is filed within fifty days of an election in which the defendant is a candidate." Pet., 6. A careful reading of these Sections should lead this Court to the opposite conclusion than that espoused by Petitioner. Section 8-13-530(4) states:

No complaint may be accepted by the [House or Senate] ethics committee concerning a member of or candidate for the appropriate house during the fifty-day period before an election in which the member or candidate is a candidate. During this fifty-day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or injunction, or both, be issued. (emphasis added.)

It is clear from the plain language of the statute that this Section is intended to close the door to the Ethics Committee immediately before an election, not open a previously closed door to the courts. It is clear that the legislature was contemplating violations of campaign-related laws in passing this provision, not laws governing the conduct of a members' official duty—the subject of Rainey v. Haley. The statute's text further supports this inference into the legislative intent because it instructs the court that "[a] violation of this chapter by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists." Id. An impending election is the only reasonable explanation for why the legislature would instruct the court on this matter and require a hearing within ten days. Finally, this provision also requires that:

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the

election.

Id. Again, this evidences the legislature's intent to prevent the Ethics Committee from acting, not grant it absolute jurisdiction over the Ethics Act. The only reasonable conclusion that can be drawn about the legislative intent in passing this Section is that the legislature was concerned with *the Committee* interfering with elections, not the courts. The State Ethics Commission is restrained by an identical provision. Id. § 8-13-320(9)(b)(1)-(2). Not only does this Section not support Petitioner's conclusion, but it suggests that the legislature prefers that the judiciary, not the legislature, decide matters of law in the political context of an election.

C. The House Ethics Committee shares concurrent jurisdiction over the Ethics Act with South Carolina courts.

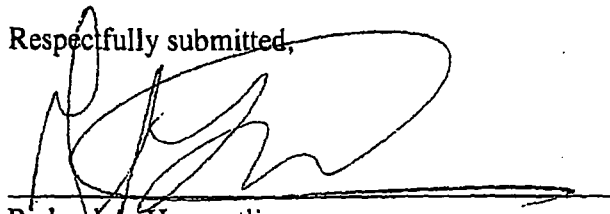
The most the Ethics Act does is establish concurrent jurisdiction for the ethics committees and State Ethics Commission over civil and administrative enforcement of the Act. Petitioner invites the Court to conclude that the Ethics Act gives these legislative committees and executive agency "exclusive original jurisdiction to resolve alleged violations" of the Act. Pet., 5. If this were correct, there would be no jurisdiction capable of punishing *criminal* violations of the Act. The hearing procedures established by the Ethics Act are unable to convict a public official of any crime. The most they can do is exercise discretion and refer a case to the Attorney General. S.C. Code Ann. §§ 8-13-320(k) and 540(3)(d) (Supp. 2011). In Rainey v. Haley, Respondent seeks a declaration whether S.C. Code Sections 2-17-15(A); 8-13-700; 8-13-705; and 16-9-10(A)(2) were violated—misdemeanors or felonies all punishable by fine or imprisonment. Accepting Petitioner's "exclusive jurisdiction" argument would mean there is no forum in which the state's Attorney General or solicitors could enforce the Ethics Act's criminal provisions. The only logical conclusion is that our courts share concurrent jurisdiction over

enforcement of the Ethics Act.

CONCLUSION

Based upon the foregoing, the Petition for a Writ of Prohibition should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Richard A. Harpootlian', written over a horizontal line.

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ATTORNEYS FOR JOHN S. RAINEY, RESPONDENT

IN THE SUPREME COURT
OF THE STATE OF SOUTH CAROLINA

IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

Supreme Court Tracking No. 2011205090

Governor Nikki R. Haley..... Petitioner,

v.

Richland County Court of Common Pleas and John S. Rainey..... Respondents.

CERTIFICATE OF SERVICE

I, Holli Langenburg, paralegal to the attorney for Respondent John S. Rainey, Richard A. Harpootlian, P.A., with offices at 1410 Laurel Street, Post Office Box 1090, Columbia, South Carolina 29202, certify that on December 29, 2011, served by U.S. Mail, the following document to the below mentioned person(s):

Document: Respondent John S. Rainey's Return to Petition for Writ of Prohibition

Served: The Hon. Jeanette McBride
Richland County Clerk of Court
1701 Main Street
Columbia, SC 29201

Karl S. Bowers, Jr.
Hall & Bowers, LLC
1727 Hampton Street
Columbia, SC 29201


Holli Langenburg

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

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Richard A. Hall
Clerk of Court

Governor NICHOLAS HALEY

Respondent

Richland County Court of Common Pleas and John S.

Haley, Plaintiff, v. Governor NICHOLAS HALEY, Defendant

Respondent

REPLY IN SUPPORT OF PETITION FOR WRIT OF PROTECTION

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TABLE OF CONTENTS

Table of Authorities	ii
Introduction.....	1
Arguments and Authorities	1
I. The Legislature has prescribed that state agencies have exclusive subject matter jurisdiction over claims under the Ethics Code.	1
II. This Petition is properly before the Court, as Governor Haley is not required to seek relief before a court without subject matter jurisdiction before moving for a writ of prohibition.	4
Conclusion	6

TABLE OF AUTHORITIES

Cases

<i>Denene, Inc. v. City of Charleston</i> , 352 S.C. 208, 574 S.E.2d 196 (2002).....	2
<i>Dove v. Gold Kist, Inc.</i> , 314 S.C. 235, 442 S.E.2d 598 (1994).....	5
<i>Hodges v. Rainey</i> , 341 S.C. 79, 533 S.E.2d 578 (2000).....	3
<i>In re Richland County Magistrate's Court</i> , 389 S.C. 408, 699 S.E.2d 161 (2010).....	4, 6
<i>State ex rel. Zimmerman v. Gibbes</i> , 171 S.C. 209, 172 S.E. 130 (1933).....	5
<i>Woodworth v. Gallman</i> , 195 S.C. 157, 10 S.E.2d 316 (1940).....	5

Statutes

S.C. Code Ann. § 8-13-320(9).....	1, 2
S.C. Code Ann. § 8-13-320(9)(b)(1).....	3
S.C. Code Ann. § 8-13-530(2).....	1
S.C. Code Ann. § 8-13-530(4).....	3

INTRODUCTION

For more than a year, Mr. Rainey has attempted to score political points against Governor Haley through the media regarding her employment while she was a member of the General Assembly. Now, after those meritless allegations have fallen on deaf ears, he is attempting to utilize the Judiciary to further his political objectives.

Mr. Rainey's opposition brief does not give the Court any basis for denying Governor Haley's Petition, nor does it provide a single legitimate argument in support of the circuit court having subject matter jurisdiction over this case—indeed, none exists. As a matter of law, civil complaints regarding the Ethics Code must be resolved by state agencies, not the circuit court. The Court should grant Governor Haley's Petition and prevent Mr. Rainey from improperly using the Judiciary as the forum for his political attack.

ARGUMENTS AND AUTHORITIES

I. The Legislature has prescribed that state agencies have exclusive subject matter jurisdiction over claims under the Ethics Code.

A review of Mr. Rainey's opposition brief makes it clear that the circuit court does not have subject matter jurisdiction over his political charges. The relevant statutory provisions unambiguously establish where claimed violations of the Ethics Code must be addressed:

- For legislators and candidates for a seat in the General Assembly, subject matter jurisdiction lies exclusively with the appropriate chamber's Legislative Ethics Committee. S.C. Code Ann. § 8-13-530(2).
- For all other officials and candidates for public office, subject matter jurisdiction lies exclusively with the State Ethics Commission. *Id.* § 8-13-320(9).

In order to bypass these unambiguous jurisdictional boundaries, Mr. Rainey suggests that these statutes do not actually touch on the circuit court's subject matter jurisdiction because the General Assembly did not include "any jurisdiction-stripping provision" in the Ethics Code. (Return Br. at 9.) This argument misses the mark, as the Ethics Code does contain such a provision.

The General Assembly unambiguously provided that "any person" accused of violating the Ethics Code "is entitled to the administrative process" set forth in the Code. S.C. Code Ann. § 8-13-320(9). The directive that respondents are "entitled" to the statutory administrative proceeding, with all of its accompanying procedural safeguards, necessarily excludes a competing or parallel proceeding in the circuit court.¹ Certainly, the General Assembly would not have crafted such a detailed, methodical process for resolving ethics complaints if that entire administrative scheme could be set aside simply by filing a complaint in the circuit court. See *Denene, Inc. v. City of Charleston*, 352 S.C. 208, 212, 574 S.E.2d 196, 198 (2002) ("The Court must presume the legislature did not intend a futile act, but rather intended its statutes to accomplish something.").

¹ Mr. Rainey argues that the existence of these procedural safeguards—which are designed specifically to prevent opponents from using the Ethics Code as a political weapon—somehow means that the circuit court has jurisdiction over ethics complaints. (Return Br. at 10.) Respectfully, one has nothing to do with the other. The wisdom of the General Assembly's decision to put safeguards in place to mitigate the likelihood that political rivals will attack one another under the veil of the Ethics Code does not implicate the circuit court's lack of subject matter jurisdiction in any way. Nor does Mr. Rainey's apparent frustration with these safeguards expand the circuit court's jurisdiction.

The same is true for Mr. Rainey's observation that the State Ethics Commission and the Legislative Ethics Committees perform several administrative functions in addition to adjudicating ethics complaints. (*Id.*) The fact that these agencies have multiple responsibilities does not change the fact that they have exclusive original jurisdiction over alleged violations of the Ethics Code. The Court should disregard Mr. Rainey's misplaced arguments accordingly.

Even if the General Assembly had not included this provision in the Ethics Code, Mr. Rainey's argument would remain misplaced. This Court has never held that the General Assembly must include a "jurisdictional-stripping" provision in order for a statute to vest exclusive subject matter jurisdiction in an agency or other tribunal. Indeed, Mr. Rainey does not cite any authority from this Court or any other in support of this novel proposition.

When creating a regulatory scheme, the Legislature is free to identify where litigants should go to seek recourse for an alleged violation; it is not required to also identify every agency or court in which litigants should not seek recourse in order for the administrative structure to be sound. This fundamental concept is actually embodied in the canon of statutory construction that legislative expression of one position necessarily nullifies any competing positions. See, e.g., *Hodges v. Rainey*, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) ("The canon of construction '*expressio unius est exclusio alterius*' or '*inclusio unius est exclusio alterius*' holds that 'to express or include one thing implies the exclusion of another, or of the alternative.'" (quoting *Black's Law Dictionary* 602 (7th ed. 1999))).² By requiring complaints under the Ethics Code to be filed with specific state agencies, the General Assembly necessarily barred the circuit court from exercising jurisdiction over them.

² To be sure, this same rule of statutory construction makes clear that the General Assembly's decision to permit ethics complaints to be filed in circuit court only within the fifty days immediately before an election necessarily means that litigants may not file ethics complaints in the circuit court at any other time. S.C. Code Ann. §§ 8-13-320(9)(b)(1) and -530(4). By vesting circuit courts with subject matter jurisdiction only in that limited circumstance, the Legislature eliminated the possibility of jurisdiction residing in the circuit court (and the Judiciary being dragged into the political mudslinging that invariably accompanies such complaints) under any other circumstances, including those present in this case.

Finally, Mr. Rainey argues that his civil complaint is properly before the Court of Common Pleas because the Attorney General can bring criminal charges in the Court of General Sessions. (Return Br. at 12.) As with his arguments addressed above in Footnote 1, one thing has nothing to do with another. Simply put, criminal charges bear no relation to civil claims. Mr. Rainey, of course, is not a prosecutor, and he has no authority to seek criminal sanctions against anyone. The Court recently explained why this is so:

If a private party is permitted to prosecute a criminal action, we can no longer be assured that the powers of the State are employed only for the interest of the community at large. In fact, we can be absolutely certain that the interests of the private party will influence the prosecution, whether the self-interest lies in encouraging payment of a corporation's debt, influencing settlement in a civil suit, or merely seeking vengeance.

In re Richland County Magistrate's Court, 389 S.C. 408, 412, 699 S.E.2d 161, 163 (2010). Accordingly, the circuit court's potential jurisdiction over criminal claims has nothing to do with its complete lack of jurisdiction over Mr. Rainey's civil complaint. The Court should reject Mr. Rainey's final argument on this point.

II. This Petition is properly before the Court, as Governor Haley is not required to seek relief before a court without subject matter jurisdiction before moving for a writ of prohibition.

In addition to errantly arguing that the circuit court has subject matter jurisdiction over his complaint, Mr. Rainey also suggests that the Court should deny Governor Haley's Petition because, in his view, it is premature. According to Mr. Rainey, this Court—the highest in the State, and the guardian of the integrity of the Judiciary—should allow him to continue his abuse of the legal process unless and until the circuit court itself acknowledges its complete lack of subject matter jurisdiction. (Return Br. at 5–8.)

This Court has squarely rejected Mr. Rainey's position. In *State ex rel. Zimmerman v. Gibbes*, 171 S.C. 209, 172 S.E. 130, *aff'd sub nom. Gibbes v. Zimmerman*, 290 U.S. 326 (1933), the party opposing a writ of prohibition presented precisely the same argument on which Mr. Rainey relies here. The Court rejected that position, concluding that "the question whether the objection was made in the Court below is immaterial where the lack of jurisdiction is apparent on the face of the original suit." *Id.* at 215-16, 172 S.E. at 133. Accordingly, the Court held that "[i]t is evident that this contention is without merit." *Id.* at 216, 172 S.E. at 133.³

This, of course, makes perfect sense. A court without subject matter jurisdiction lacks any authority over the case: the parties, the subject matter, or anything else. *See, e.g., Dove v. Gold Kist, Inc.*, 314 S.C. 235, 238, 442 S.E.2d 598, 600 (1994) ("A court lacking subject matter jurisdiction, however, has no authority to act regardless of the geographical location or consent of the litigants."). There is absolutely no reason to force a party to submit to a court that has no jurisdiction simply to argue the exact point that is already framed for this Court's consideration.

The Court's granting of Governor Haley's Petition will not open the floodgates to requests of this type, as predicted by Mr. Rainey. To be sure, this is an atypical case. It

³ Nor is there any legitimacy to Mr. Rainey's argument that a writ of prohibition should be issued only after the circuit court has had a chance to "consider[] the factual and legal merits of the case." (Return Br. at 6.) In *Woodworth v. Gallman*, 195 S.C. 157, 161, 10 S.E.2d 316, 317 (1940), a complaint was filed in circuit court on July 1, 1940. Two days later, this Court issued "a rule returnable before the Supreme Court, requiring the Court of Common Pleas and the plaintiff in the injunction suit to show cause why the Supreme Court should not issue a writ of prohibition, assume original jurisdiction of the injunction suit, and proceed to a final determination of it." *Id.* The *Woodworth* Court then issued the writ and barred the circuit court from retaining the case. *Id.* at 164-65, 10 S.E.2d at 319. Accordingly, the Court should disregard Mr. Rainey's arguments based on the timing of Governor Haley's Petition.

does not involve relatively anonymous litigants, nor does it involve a garden-variety civil claim. Quite to the contrary, Mr. Rainey's civil complaint asks the circuit court to declare a sitting governor to be a criminal. It is truly unprecedented. The Court does not risk creating some untenable precedent by putting an end to this political circus now.

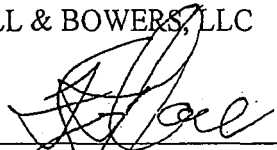
In fact, the Court would actually create a truly perilous precedent by allowing this charade to continue. For all of the reasons identified by the Court in *In re Richland County Magistrate's Court*, it is obvious that a private citizen cannot seek a declaration that another is a criminal. But if the Court declines this Petition, future litigants could view the Court's ruling as approval of this misconduct and could decide to seek a "declaration" that their own enemies—political rivals, overdue debtors, former spouses, and so forth—are "criminals" under Title 16 of the South Carolina Code. Confidence in the Judiciary would inevitably erode under this scenario, which can easily be avoided by enforcing the Ethics Code's jurisdictional limits as created by the General Assembly. The Court should do precisely that and issue the requested writ of prohibition.

CONCLUSION

There is no legitimate dispute that the circuit court does not have subject matter jurisdiction over Mr. Rainey's complaint. The Ethics Code is unambiguous in its assignment of exclusive jurisdiction over such claims in the State Ethics Commission and the Legislative Ethics Committees. This Court, as the State's highest, should exercise its supervisory powers, issue the requested writ of prohibition, direct the circuit court to dismiss Mr. Rainey's complaint, and protect the Judiciary against attempts like Mr. Rainey's to misappropriate its prestige and integrity.

Respectfully submitted,

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January 6, 2012

PROOF OF SERVICE

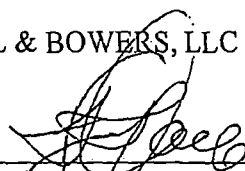
I, the undersigned Attorney of the law offices of Hall & Bowers, LLC, attorneys for Appellants, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same to the following address(es):

PLEADING: Reply in Support of Petition for Writ of Prohibition

PARTIES SERVED: The Honorable Jeanette McBride
Clerk of the Richland County Court of Common Pleas
1701 Main Street
Columbia, SC 29201

Richard A. Harpootlian
Graham L. Newman
M. David Scott
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Attorneys for Governor Nikki R. Haley

Columbia, South Carolina
January 6, 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) 2011-CP-40-7854

John S. Rainey,

Plaintiff,

VS.

Nimrata Nikki Haley,

Defendant.

TRANSCRIPT OF RECORD

March 12, 2012

Columbia, South Carolina

B E F O R E:

HONORABLE L. CASEY MANNING, JUDGE.

A P P E A R A N C E S:

RICHARD A. HARPOOTLIAN, ESQUIRE
Attorney for Plaintiff

KARL SMITH BOWERS, JR., ESQUIRE
Attorney for the Defendant

Crystal Holmes
Official Court Reporter

E X H I B I T S

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2 NO. DESCRIPTION I.D. EVD.
3 (REPORTER'S NOTE: NO EXHIBITS WERE INTRODUCED AT THE
4 HEARING.)
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I N D E X

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16 HEARING.)
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JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 MR. BOWERS: Good afternoon, Judge.

2 THE COURT: Yes, sir.

3 MR. BOWERS: May it please the Court.

4 We've got a Motion to Dismiss here with
5 regard to the lawsuit that was filed on behalf of Mr.
6 Rainey.

7 Judge, this is an easy case. There's no
8 subject matter jurisdiction in the Court. As this
9 Court is aware, we have set up two systems to deal
10 with complaints regarding people in elective office.
11 If you're a member of the General Assembly you get the
12 House Ethics Committee or the Senate Ethics Committee.
13 If you're a statewide elected executive or you're a
14 county official for instance, it's ---

15 THE COURT: Or a Lieutenant Governor.

16 MR. BOWERS: Absolutely, Judge, you get the
17 State Ethics Commission.

18 Now, the suggestion here by this lawsuit,
19 which is part of a well orchestrated political attack
20 that put us here, but a political attack, nonetheless.

21 THE COURT: Okay.

22 MR. BOWERS: Is that, hey, we want the civil
23 court to declare somebody a criminal by way of a
24 declaratory judgment action. There's simply no
25 precedent for that, zero. What we have is a system

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 that charges the Legislative Ethics Committees and the
2 Ethics Commission exclusively with that authority.

3 Now, Judge, here we also have the notion and
4 the suggestion in their complaint that there are some
5 things that apply to right of action here. That if I
6 think Mr. Carroll (phonetic) and Mr. Harpootlian or
7 someone else has violated the law, that rather than a
8 Solicitor, like Mr. Harpootlian used to be, making a
9 judgment on the basis of evidence, whether to seek an
10 indictment and to bring charges, I could just file a
11 declaratory judgment in the civil court and ask the
12 court to declare someone a criminal. And I think it's
13 -- we should recognize it doesn't work that way and
14 that has been reaffirmed as recently as -- as last
15 year by the Supreme Court in In re: Richland County
16 Magistrate's Court.

17 There's a suggestion in the complaint and in
18 the argument that the Court has jurisdiction that
19 somehow citizens have to be able to avail themselves
20 of the civil court to declare publicly elected
21 officials criminals, because otherwise their behavior,
22 if inappropriate, will go unchecked.

23 Well, last week, as Your Honor has alluded to
24 with Lieutenant Governor Ard, it's obvious that there
25 is a mechanism for exactly that. That's what the

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 Attorney General is for. If -- if there is evidence
2 of criminal activity on behalf of any public official,
3 that can be presented to the Ethics Commission, it can
4 certainly be provided to law enforcement, certainly be
5 provided to SLED, to the Solicitors of the various
6 circuits, but certainly the A G.

7 What we have here, at least based on the
8 press reports, is that Mr. Rainey has attempted to
9 shock this lawsuit to the U S Attorney's Office,
10 apparently to no avail. When this complaint was
11 filed, within a day we had cover stories in the local
12 papers including the Camden newspaper.

13 THE COURT: The Camden newspaper?

14 MR. BOWERS: Well, apparently a guy that ran
15 for Governor last time is from Camden, so apparently
16 the publisher is sympathetic to that particular ---

17 THE COURT: All right.

18 MR. BOWERS: --- news story.

19 So again, this is part of the political
20 process. I understand that and we're all big boys and
21 girls. But it is an entirely different thing for the
22 prestige and the honor that is the Court's to be
23 invoked in a process that is absolutely without merit
24 and without jurisdiction.

25 And I will note this, why, Judge, would

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 someone not avail themselves of the Legislative Ethics
2 Committees or the Ethics Commission? Well, Judge,
3 when you file a complaint in those two forums, there's
4 a confidentiality requirement. You don't get to file
5 a complaint that's that thick.

6 THE COURT: I mean, it becomes a matter of
7 public record.

8 MR. BOWERS: That's right. So if you want to
9 say something disparaging or you want to shout
10 something to them media or the press, it's hard to do
11 it with the Ethics Committees, before the Ethics
12 Commission, because it's a crime to speak publicly
13 about such filings such as a complaint.

14 Well, if you come to the courthouse and try
15 to hijack the imprimatur of the Court by putting a
16 file with a received stamp on it, then you hand it out
17 to the press as something more than it is, which is a
18 political attack, an attempted character
19 assassination, that's what this lawsuit is. There is
20 no jurisdiction for the Court.

21 I'll speak to a couple of quick arguments.

22 There's a suggestion in the briefing that,
23 gee, there's concurrent jurisdiction. The Ethics
24 Committee -- Committees, the Ethics Commission and the
25 civil courts can proceed in parallel fashion in this

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 regard.

2 First, there's no authority for that. But
3 they say, well look, there's no jurisdiction stripping
4 provision in the Ethics Code that says the Court can't
5 do that so therefore you must assume the Court can
6 entertain this lawsuit. And, Judge, that is rejected
7 and revoked really by a couple of things.

8 First, Title 8 -- it's 8 section -- excuse
9 me, Section 8-13-320-sub(9). It says that when these
10 Legislative or Ethics Commission processes are
11 present, that anyone accused of a violation of the
12 Ethics Code is quote, entitled to the administrative
13 process. If you're accused by someone of violating
14 Title 8 or Title 2, you get the process, all right.
15 That is, in and of itself, a jurisdiction stripping
16 process that would prevent the Court from being
17 involved.

18 And, Judge, if there is a finding or an
19 adjudication by the State Ethics Commission, then
20 there's an appeal, and that doesn't come to the
21 Circuit Court either. It goes to the Court of
22 Appeals. Thankfully the trial courts of this state
23 are removed from this political process.

24 The only time -- the only time that the
25 Circuit Court entertains cases of this kind at all is

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 within the period ---

2 THE COURT: 50 days.

3 MR. BOWERS: 50 days before the election.

4 And the fact that the law says within 50 days before
5 the election you can file, obviously suggests that you
6 can't file here any other time.

7 So, Your Honor, we have what is not a
8 difficult case on the law in terms of subject matter
9 jurisdiction. We have an opportunity for these
10 gentlemen to persuade whatever Solicitor or Attorney
11 General or other prosecutor they'd like, if they think
12 something untoward has happened. As they noted in
13 their own briefs, if they believe something untoward
14 happened while the Governor was a member of the
15 General Assembly, the Ethics Committee still can
16 reprimand or refer to the Attorney General.

17 So there is a process for this as last week's
18 dealings with the Lieutenant Governor make abundantly
19 clear.

20 I'll sit down and be quiet and ---

21 THE COURT: We'll give Mr. Harpootlian a
22 chance and I'll give you a chance to respond.

23 MR. BOWERS: Great, thank you. If I might,
24 let me hand up -- make one more point ---

25 THE COURT: Yes, sir.

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 MR. BOWERS: --- briefly. Throughout the
2 briefs submitted by the Plaintiff here, there's a
3 suggestion, well, this is a Sloan case, as if that
4 adjective Sloan means anything.

5 THE COURT: I think Sloan is still a person
6 who lives up in Greenville ---

7 MR. BOWERS: Well, that's right, that's
8 right, it's Ned Sloan. Ned Sloan, who like Mr.
9 Rainey, has brought a number of lawsuits over the
10 years. That's all well and good. But the fact that a
11 -- that a well to do gentleman would like to bring a
12 lawsuit doesn't mean another well to do gentleman is
13 entitled to access to the Court without a basis for
14 it.

15 In each of the Sloan cases, you have nothing
16 to do with the Ethics Act, has absolutely nothing to
17 do with the South Carolina Ethics Act. What you have
18 is challenges of constitutionality and statutes, an
19 illegal status of an office holder, procurement
20 activity in four different cases. There are
21 independent subject matter bases for the Court to
22 entertain jurisdiction in each one of those and none
23 of them were entertained by the Court because someone
24 was asking the Court to declare somebody a criminal or
25 declare something of public importance. And in fact,

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 each of those statutes were in both.

2 So I would hand a copy -- I've given Mr.
3 Harpootlian a copy and I will hand up a copy and we'll
4 file that in the Clerk's office.

5 THE COURT: All right.

6 MR. BOWERS: With that, Your Honor, I will
7 sit down and obviously I will be glad to respond to
8 whatever Mr. Harpootlian might offer.

9 THE COURT: All right.

10 MR. BOWERS: Thank you, Judge.

11 THE COURT: You're welcome, sir.

12 Mr. Harpootlian.

13 MR. HARPOOTLIAN: Oh, Your Honor, just so
14 much to say.

15 THE COURT: And so little time.

16 MR. HARPOOTLIAN: Let me -- can I speak from
17 back here?

18 THE COURT: Beg your pardon?

19 MR. HARPOOTLIAN: Can I speak from back here?

20 THE COURT: I don't care. But first of all,
21 this was originally filed with the Supreme Court and
22 they sent it down, is that correct?

23 MR. HARPOOTLIAN: Yes, sir, Your Honor, and I
24 think that was the first point I wanted to bring up.

25 The Defendant, Governor Haley, filed a

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 petition and it is included in the materials we've
2 handed up to you, a petition. And what do they ask
3 the Supreme Court to do? They said, you didn't have
4 jurisdiction, that's what they said. And they said,
5 because Circuit Court -- and I'm quoting from the
6 Table of Contents, that Circuit Court does not have
7 subject matter jurisdiction over Mr. Rainey's
8 complaint: A, the General Assembly vested exclusive
9 reasonable subject matter jurisdiction over alleged
10 violations of the State Ethics Code and the laws
11 governing lobbying and executive legislative agencies;
12 and, B, the General Assembly wisely prevented
13 politically based attacks from being presented to the
14 Circuit Court as presiding over such cases would
15 unbearably erode competence in the judiciary.

16 And then the third one was that you ought to
17 issue this Writ of Prohibition.

18 So the same arguments you hear -- heard here
19 this morning were made to the Supreme Court last year.
20 They had one word in response to those arguments,
21 denied. So by inference, if they wanted -- the
22 Supreme Court or any court in the country is sensitive
23 to wasting judicial resources, it could have very
24 easily have taken this at that time, put a bullet in
25 it and said, right. But they didn't. They sent it

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 back to you and by inference, we would suggest,
2 they've already decided these issues but have deferred
3 to you, knowing it was a Motion to Dismiss. So they
4 could have very easily gotten this over.

5 Now, a couple of things I think -- I think in
6 terms of Sloan standing, and let me walk you through
7 very briefly the elements of Sloan standing.

8 Is it a matter of great public interest?
9 Now, the interest is not whether Governor Haley
10 violated the law and we're not alleging a crime. A
11 violation of an ethics statute doesn't necessarily
12 mean it's a crime, it has to be, there has to be
13 specific mens rea to do it.

14 The question is, does the conduct, does
15 somebody sitting in the Legislature who lobbies a
16 state agency on behalf of an employer, is that a
17 violation of the Ethics Act? Not a criminal
18 violation, but does it violate the Ethics Act? Does
19 the a Legislator sitting in the General Assembly being
20 paid by an entity, by Wilbur Smith, and then voting on
21 legislation affecting them, does that violate the
22 Ethics Act? And we need to develop the facts and then
23 this Court, or another Circuit Court, would determine
24 whether or not that's a violation of the Ethics Act.

25 Now, is that matter of great public interest?

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 Yes. Is it subject to repetition? Yes. So the
2 Courts have said in every one of these cases he cited,
3 a citizen has a right to judicial process in matters
4 of great public importance, necessary to provide
5 future guidance. Is it a matter of great public
6 importance? Yes. Will it provide future guidance?
7 Yes.

8 Now, then there's a -- the counter to that is
9 that the Ethics Act divests jurisdiction from the
10 Court. Now, we've got a couple of answers to that.
11 One is the Supreme Court could have said that last
12 December. And two, more importantly, let me hand up
13 to you -- and I'll give a copy -- one is a case that's
14 not cited by the Defendant, is a case called Dr. David
15 Baird versus Charleston, 333 S.C. 519. And I've
16 turned it to the page which deals with -- called
17 Conflict of Interest. And they say, Doctors alleged
18 in their complaint the bond issue was unlawful because
19 Dr. Wallace, a county council member had a conflict of
20 interest.

21 The Deputy County Attorney wrote to the South
22 Carolina Ethics Commission, not the House -- remember
23 now, there's a --- complaints about House members go to
24 the House Ethics Commission and Governor Haley's no
25 longer a member of the House. They issued an informal

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 opinion saying he should disqualify himself. The
2 opinion was based on the ethics format in 1991.

3 And if you go down to the first full
4 paragraph of the second column, in granting summary
5 judgment on the issue, the Trial Court made the
6 following conclusions. And if you go down to number
7 four of that, the Court does not have jurisdiction to
8 review the conflict of interest. And then paragraph
9 20 and 21, the threshold issue for this Court is
10 whether invalidation of bond ordinance is a proper
11 remedy for violation of State Ethics Act. There's no
12 direct authority which prevents this Court from
13 invalidating a bond ordinance based on a violation of
14 the State Ethics Act. In general, the vote of a
15 council member who is disqualified because of an
16 interest or bias in regard to the subject matter being
17 considered, may not be counted in determining the
18 necessary majority for valid action.

19 And it goes on, therefore, a Court has
20 jurisdiction to invalidate an ordinance if the
21 requisite number of votes to pass the ordinance would
22 not exist but for the improper vote.

23 And what the Court said here was, that
24 summary judgment where -- what the underlying Court
25 said, the Trial Court said, I don't have authority to

1 review Ethics Act violations. What the Supreme Court
2 ruled was, yes, you do. And by the way, this was a
3 Sloan suit, exactly the same as this case. A Sloan
4 suit where part of it was, it doesn't violate the
5 Ethics -- doesn't violate the Ethics Act.

6 Now, there's nothing in the Ethics Act which
7 divests jurisdiction from this Court. There's that 50
8 day period but we would -- we would argue, and there's
9 no case saying one way or the other, but we would
10 argue that excludes the -- the House Ethics Committee
11 from having jurisdiction during that 50 day period.

12 Now, it doesn't give the Court jurisdiction
13 for that one 50 day period, what about after the
14 election, it goes back to the House Ethics Committee?
15 I don't think so.

16 So, let me -- and the issue here is, not
17 whether she's violated a criminal act, whether or not
18 the conduct constitutes a violation of the Ethics Act
19 which is a -- not totally a criminal -- I mean, you
20 have to show specific mens rea. Somebody may file a
21 false ethics form. That doesn't mean they've
22 committed a crime. You have to show, as they did with
23 Lieutenant Governor Ard last week, former Lieutenant
24 Governor Ard last week, a intent to violate the law.
25 On its face you have the forms he filed were wrong.

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 On its face he had done things that seemed to be a
2 violation of the law. But to make that a criminal
3 act, you have to take it one step further.

4 And we're not here to do that, certainly not
5 in the civil context. We want a declaration of
6 whether or not what she did violated the Act, and
7 whether or not in the future other House members can
8 do the same thing or not.

9 Now, could we go to the House Ethics
10 Committee? Absolutely we could have done that. It
11 would have been done in secret by folks, I would
12 submit, that aren't trained in the law. And we think,
13 just as Governor Haley thinks, transparency is the
14 best antiseptic for government. That everybody ought
15 to know what's going on. It out to be done out in the
16 open and everyone ought to have a chance to examine
17 what the facts are.

18 Secret meetings, secret filings aren't the
19 way to resolve public issues.

20 Thank you, Your Honor.

21 THE COURT: Thank you, sir.

22 Yes, sir, Mr. Bowers.

23 MR. BOWERS: Thank you, Judge. First --
24 first let me reject the Bear case and tell you why.
25 The Bear case was a challenge of the validity of

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 legislative action. And the argument was, look, this
2 was a one vote margin that passed this bond bill.
3 This guy shouldn't have participated because he was
4 conflicted and they challenged on that basis.

5 This action doesn't say, set aside any piece
6 of legislation, the first to vote on this particular
7 committee reporting something out. It says, to quote,
8 the Governor's criminal. It's a political stunt,
9 Judge, that's what it is.

10 Now, you heard Mr. Harpootlian say very
11 candidly, look, we don't want this to be done through
12 the proper administrative processes because we don't
13 get the benefit of the press. We can't give
14 interviews to reporters and trash somebody out
15 publicly if we do it the right way. So we'll come to
16 court and use this public forum as the vehicle for
17 trashing the Governor. That's what we've got going on
18 here.

19 They say, well, we don't want you to say
20 there's a crime here. That's exactly what they've
21 said. I refer the Court to paragraphs 31 and 38 of
22 the complaint. The complaint says, declare that the
23 Governor violated Title 16, Chapter 9. That's a
24 perjury statute, perjury and subornation of perjury.
25 They said, declare that the Governor lied and

1 committed perjury. That's what they want a civil
2 court to do.

3 Now, this notion of Sloan standing, it's --
4 it's got -- it's got an S and a S. It sounds good.
5 It sounds like Sierra Club standing or something good
6 like that. It doesn't mean anything. Importance, if
7 this argument holds up, this means we can do this.

8 If I've got a problem with a particular
9 judge, a particular member of the General Assembly, a
10 particular elected official. Why am I going to go to
11 the Commission on Judicial Conduct, why would I file a
12 complaint there? If somebody's got a problem with me
13 as a lawyer, why would they file a grievance with the
14 Bar, with ODC? No, no, no, no, you get a whole lot
15 more pop in the newspapers if you come here and claim
16 that the Court has concurrent jurisdiction.

17 Now look, the Commission on Judicial Conduct,
18 the Office of Disciplinary Counsel, the Legislative
19 Ethics bodies, the State Ethics Commission, all have
20 similar processes to which folks who are accused of
21 violations of certain things are entitled. All right,
22 I'm not arguing that, Judge, that's what the statute
23 says. It says, if you are accused of violating Title
24 8 or Title 2, which is what they say here and asking
25 the Court to declare, you are quote, entitled to the

JOHN S. RAINEY V. NIMRATA NIKKI HALEY

1 CERTIFICATE OF REPORTER

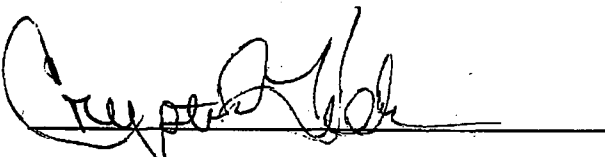
2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF RICHLAND)

5
6 I, Crystal Holmes, Official Court Reporter for
7 the Fifth Judicial Circuit of the State of South
8 Carolina, do hereby certify that the foregoing is a
9 true, accurate and Complete Transcript of Record of
10 the proceedings had and evidence introduced in the
11 hearing of the captioned case, relative to appeal,
12 in the Court of Common Pleas for Richland County,
13 South Carolina, on the 12th day of March, 2012.

14 I do further certify that I am neither of kin,
15 counsel nor interest to any party hereto.

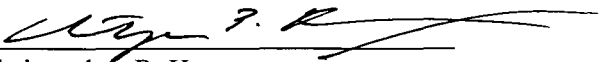
16
17 April 23, 2012

18 
19
20 Crystal Holmes, Court Reporter

21
22
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25
JOHN S. RAINEY V. NIMRATA NIKKI HALEY

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.


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ATTORNEY FOR APPELLANT

December 10, 2012
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

L. Casey Manning, Circuit Court Judge DEC 10 2012

Case No. 2011-CP-40-7854

S.C. Supreme Court

Appellate Case No. 2012-21-2125

John S. Rainey Appellant,

v.

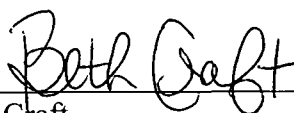
Nimrata "Nikki" R. Haley Respondent.

PROOF OF SERVICE

I, Beth Craft, assistant to the attorney for Appellant John S. Rainey, Richard A. Harpootlian, P.A., with offices at 1410 Laurel Street, Post Office Box 1090, Columbia, South Carolina 29202, certify that on December 10, 2012, served VIA HAND DELIVERY, the following document to the below mentioned person(s):

Document: Record on Appeal (Volumes I and II).

Served: Kevin Hall, Esquire
kevin.hall@wcsr.com
Karl "Butch" Smith Bowers, Jr, Esquire
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December 10, 2012
VIA HAND DELIVERY

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S.C. Supreme Court

Daniel E. Shearouse
CLERK OF COURT
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

In re: John S. Rainey vs. Nimrata "Nikki" R. Haley
Appellate Case No. 2012-21-2125

Dear Mr. Shearouse:

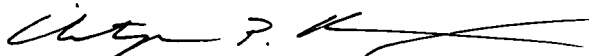
Per the Court's December 6, 2012 Order, I am filing an amended original and eighteen (18) copies of Volumes I and II of the Record on Appeal in the above-referenced case.

I would appreciate you filing the enclosed and forwarding the clocked copies to my courier.

By copy of this letter, I am serving opposing counsel with a copy of the same.

With warm personal regards, I am

Sincerely,


Christopher P. Kenney

/sec

Enclosure(s)

cc: Kevin Hall, Esquire
Karl "Butch" Smith Bowers, Jr, Esquire
M. Todd Carroll, Esquire