

**From:** Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>  
**To:** Avant, David <David.Avant@admin.sc.gov>  
**CC:** Pisarik, Holly <HollyPisarik@gov.sc.gov>  
kstenson@emd.sc.gov <kstenson@emd.sc.gov>  
**Date:** 2/18/2016 11:21:32 AM  
**Subject:** RE: Landmark Parking Lot

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David,

Thank you for taking the time to review the materials – Kim relayed to us your determination that the state is not liable for the damage.

As you move forward to sort out this issue for the state, we wanted you to know that Reps. Beth Bernstein and Kirkman Finlay have scheduled a meeting for tomorrow, Friday, February 19<sup>th</sup> at 11:00 a.m. at the Richland County Offices, 2020 Hampton Street, 4<sup>th</sup> Floor, Suite 4069.

Are you able to attend?

Appreciatively,

Rebecca

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**From:** Avant, David  
**Sent:** Friday, February 12, 2016 5:24 PM  
**To:** Schimsa, Rebecca  
**Cc:** Pisarik, Holly; kstenson@emd.sc.gov  
**Subject:** RE: Landmark Parking Lot

We will review as soon as we can. Have a nice weekend.  
-David

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**From:** Schimsa, Rebecca  
**Sent:** Friday, February 12, 2016 4:22 PM  
**To:** Avant, David  
**Cc:** Pisarik, Holly; kstenson@emd.sc.gov  
**Subject:** Landmark Parking Lot

David,

Thank you for helping our office and EMD look into this issue. If you need any other information, please let us know.

Attached WORD document:

- Summary of Landmark situation and background information.

Attached PDF documents re. general POD site agreements:

- Example of a MOA between Richland County and property owner for POD site;
- SC Emergency Operations Plan provision with guidelines for POD sites;
- (3) excerpts from Richland County's POD site guidelines.

Attached PDF and WORD documents re. contracts with companies, Estes and Garner:

- Certificate of Liability for Estes;
- Certificate of Liability for Garner;

- RFP for Estes;
- RFP for Garner.

Summary from EMD Director Kim Stenson re. Meeting with Rep. Finlay:

We met with Rep. Finlay this afternoon regarding the Landmark parking lot situation. Rep. Bernstein also attended. We covered most of the material outlined in the attachment to include our position and that we are not the responsible party. However, Rep. Finlay believes that the state is responsible because we provided the service that resulted in the damage. The major action item now is that Rep. Finlay is setting up a meeting (perhaps as early as Tue) with the principals, hopefully with their respective lawyers, to see if something can be worked out. However, a major sticking point will be some government organization assuming the cost to repair the damage out of existing funding as FEMA reimbursement is unlikely. We will also continue the dialogue with both contractors involved but getting them to agree to pay short of a lawsuit is probably a long shot. I don't think that they are responsible but if either agreed to pay it would solve the problem.

If you have any questions, please contact EMD Director Kim Stenson at 803-413-4669 or [kstenson@emd.sc.gov](mailto:kstenson@emd.sc.gov).

Thank you,

Rebecca

Rebecca S. Schimsa  
Deputy Legal Counsel  
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One SC Flood Relief Fund – [www.onescfund.org](http://www.onescfund.org)