

FW: FOIA Response

Manning, Karen [kmanning@sccommerce.com]

Sent: Friday, December 30, 2011 3:01 PM

To: Patel, Swati

Attachments: DOC.PDF (70 KB)

Karen Blair Manning
Chief Legal Counsel
South Carolina Department of Commerce
1201 Main Street, Ste. 1600
Columbia, SC 29201
(803) 737-1603 (direct)
(803) 413-6803 (cell)
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kmanning@sccommerce.com
www.sccommerce.com

From: Manning, Karen
Sent: Friday, December 30, 2011 3:00 PM
To: Ian M. Forbes-Jones (iforbesjones@yahoo.com)
Subject: FW: FOIA Response

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South Carolina Department of Commerce
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From: Manning, Karen
Sent: Friday, December 30, 2011 2:59 PM
To: 'w@fitsnews.com'
Cc: Love, Amy
Subject: FOIA Response

Karen Blair Manning
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South Carolina Department of Commerce
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Nikki R. Haley
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Robert M. Hitt III
Secretary

December 30, 2011

Mr. Will Folks
Fitsnews.com
w@fitsnews.com

Re: South Carolina Freedom of Information Act Request

Dear Mr. Folks:

The purpose of this letter is to respond to your request pursuant to the South Carolina Freedom of Information Act ("FOIA"), S.C. Code § 30-4-10, et seq.. You have requested certain public records as set forth in bold below. Our response as to each request follows language quoted from your letter.

- 1. Any and all records referencing the names "Ian Forbes Jones," Sarah Forbes Jones" and "Sarah Antor" dating from January 12, 2011 to present – and any communications between the S.C. Department of Commerce and the Office of the Governor referencing any of these names (including any and all emails between the Commerce Department and Nikki Haley's chief of staff Tim Pearson and legal counselor Swati Patel) within the same time frame.***

Assuming your request is intended to capture any and all records in the possession of the Department of Commerce reflecting any of the names identified above, the request is unduly broad and burdensome to the extent that the name Ian Forbes-Jones appears on numerous public records concerning dealings of and with the State of South Carolina European Office that have no relevance to allegations made by his ex-wife Sarah Antor or the investigation thereof. Accordingly, our search for responsive information has excluded public records concerning previous and ongoing business recruitment, trade, marketing, and administrative activities of the European Office during the time period in question.

Please note that certain public records or portions of public records will be withheld based on the following exemptions: FOIA §30-4-40(a)(2) (information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy); §30-4-40(a)(7) (correspondence or work products of legal counsel for a public body and any other material that would violate attorney-client relationships); and §30-4-40(a)(9) (working papers relative to efforts or activities of a public body to attract business or industry to invest within South Carolina). Please note that to the extent information in the public records has no relevance to Mr. Forbes-Jones' employment with the South Carolina Department of Commerce, that information will be withheld based on one or more of the exemptions identified. Finally, information concerning tax-related allegations and the investigation thereof will, in addition to any other applicable basis, be withheld and/or redacted pursuant to South Carolina Code Section 12-54-240, which imposes criminal and financial penalties for the unauthorized disclosure of taxpayer information.

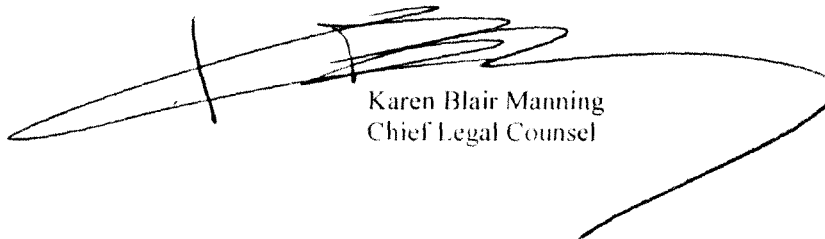
Mr. Will Folks
December 30, 2011
Page Two

2. Logs of phone calls between member of the staff of S.C. Gov. Nikki Haley and S.C. Commerce Secretary Bobby Hitt dating from January 12, 2011 to present.

FOIA requires that public bodies make responsive public records available upon request to the extent those public records are not exempt from disclosure under Section 30-4-40(a). § 30-4-30(a). FOIA does not require that public bodies create records that do not otherwise exist. 1996 WL 190741 (S.C.A.G.) The South Carolina Department of Commerce does not maintain a public record that is responsive to your request.

As you know, FOIA permits public bodies to charge fees to offset the actual cost of searching for and making copies of responsive public records. Pursuant to an established fee schedule, the Department of Commerce charges \$45.00/hour for search time and \$.25 per page for responsive information. Three members of our staff collectively spent 1.75 hours searching for 128 pages of responsive public records. Accordingly, we will make the responsive, nonexempt public records available upon receipt of a check made payable to the South Carolina Department of Commerce in the amount of \$110.75 (\$78.75 (search) + \$32.00 (copies)). Please note that the costs do not include the considerable time spent segregating exempt from nonexempt information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Blair Manning', is written over the typed name and title. The signature is stylized with a large, sweeping loop at the end.

Karen Blair Manning
Chief Legal Counsel

KBM

cc: Amy Love

FW: Info

Martin, Jim

Sent: Thursday, December 29, 2011 4:09 PM

To: Patel, Swati

From: Patel, Swati

Sent: Wednesday, October 26, 2011 11:19 AM

To: Martin, Jim

Subject: RE: Info

Sarah Antor's numbers:

[REDACTED] home number

[REDACTED] cell number

You'll need to use the prefix for Germany before dialing.

She is expecting your call.

From: Martin, Jim

Sent: Tuesday, October 25, 2011 4:01 PM

To: Patel, Swati

Subject: Info

Here's my e mail jimmartin@gov.sc.gov for future reference.

Jim Martin

State Inspector General

110 Centerview Drive

Kingstree Building

Suite 201

Columbia, S C 29210

Office: 803 896 4721

FW: Questions regarding apparant medical records

Martin, Jim

Sent: Thursday, December 22, 2011 3:08 PM**To:** Patel, Swati

Swati, I think this is the e mail we were just discussing , but note, you were not included on the e mail I sent to Ian. I forwarded this e mail to you for the reason so stated below.

From: Martin, Jim**Sent:** Monday, November 14, 2011 10:35 AM**To:** Patel, Swati**Subject:** FW: Questions regarding apparant medical records

FYI , Notice section in bold. I wanted to send you a copy due to your name specifically being mentioned in his e mail.

Jim

From: Martin, Jim**Sent:** Monday, November 14, 2011 10:33 AM**To:** 'Forbes-Jones, Ian'**Subject:** RE: Questions regarding apparant medical records

Ian, Let me attempt to address your questions and concerns in you e mail of November 10, 2011. Friday was veterans day , so state offices were closed. This is why I am responding to you at this time.

Who is leading the investigation at this time?

This office has taken the position at this time pursuant to conversation and a message left for me on my office telephone by Secretary Hitt, he is handling this as a personnel matter. He informed me he had given you 24 hours from sometime Monday, November, 7, 2011 to submit all documents to explain the matters set forth in my office's preliminary investigation I presented to Department of Commerce officials on that date.

My office is taking this position as a result of Section 2. Duties and Responsibilities paragraph g. of the Executive order 2011-10 establishing the office of Inspector General which states:

"To refer matters to agency heads whenever the State Inspector General determines that disciplinary or other administrative action is appropriate."

You will recall I encouraged you several times to visit the Governor's website and review the Executive Order.

This action by Secretary Hitt however, does not relieve you from adhering to our agreement established during our interview to provide this office with all the documentation you and I went over a couple of times. This office still maintains an active investigation regarding the matters discussed with you during the aforementioned interview.

The next steps as far as this office is concerned as it relates to you is:

Await action by the Department of Commerce in regards to Secretary Hitt's message to me regarding his

bringing this to a final disposition as a personnel matter.

Assemble documentation submitted by you to respond to the issues set forth in the aforementioned preliminary investigation.

In accordance with Section 2. Duties and Responsibilities, paragraph e. states:

"To report expeditiously to and cooperate fully with the appropriate state and federal law enforcement agencies and prosecuting authorities whenever the State Inspector General has reasonable grounds to believe there has been a violation of criminal law or that a civil action should be initiated by the State.

To comply with this mandate , this office has contacted both [REDACTED] regarding your statements during the interview that [REDACTED]. I have submitted information to the [REDACTED]. I have had a discussion with [REDACTED] and we have exchanged e mails and will meet this week to discuss further, possibly with [REDACTED]

In regards to any medical records alleged to have pertained to you.

This office is in possession of a document written in German. This document has not been translated and was not used in formulating the investigation against you and the report that was presented to the Department of Commerce officials as discussed previously. This office has no intentions of having this document officially translated and used in any investigation involving you at this time.

During my initial briefing of the Department of Commerce officials regarding the investigation relative to you, they presented me with a sealed 9x12 envelope said to contain "medical records" of you, Ian Forbes-Jones. Ms. Karen Manning, General George Patrick ret) and Secretary Hitt were present. They collectively declared to me neither of the three had reviewed the contents of the envelope and expressed their strong desire not to be informed of what was contained in the envelope. I took possession of the sealed envelope and this envelope remains in my possession and continues to be sealed as it was when it was given to me by the Department of Commerce officials.

As mentioned above this office is in possession of a document written in German said to be information regarding some medical information relative to you, Ian Forbes-Jones. This document has been reviewed, but again none of this information has been used to date regarding the investigation of this office involving you. I will emphasize to you as I emphasized to the Department of Commerce officials, it was my desire and intent to conduct this investigation involving allegations against you, Ian Forbes-Jones without using any medical records. I will add that the document I reference was provide to me by the Governor's office at the time the allegations against you were provided to me. I cannot state who actually saw or reviewed this particular document prior to my receiving it as stated.

Let me abundantly clear on your next question and I quote from your e mail: " I understand that the Governor's office (Swati Patel) initiated the translation of these records from German to English- can you please tell me all individuals who viewed them in this process of translation?"

To my knowledge, Ms. Swati Patel has not to date initiated any such translation as described above. I will, state furthermore ,in my discussions with Ms. Swati Patel emphasized her position and the Governor's office position was and remains to this day, this investigation is under the sole purview and control of the Office of Inspector General (OIG) , therefore, they would have no interest in having this document or any other document translated relating to the investigation.

The Inspector General's office does not have a policy regarding medical records. Should it become necessary to utilize such records in an investigation, this office would seek legal counsel at that time. It should also be

understood, the medical document that I refer to , not the those said to be contained in the aforementioned sealed envelope, was provided freely without request by this office. Again, this is one reason this office chose not to utilize any of the information contained in this document , even if it was translated.

Hopefully, you will agree I answered all your questions and concerns regarding medical records provided to the OIG.

Let me know if this office can assist you further in this matter.
I will await submission of the documentation as discussed earlier.

Thanks you,

Jim

From: Forbes-Jones, Ian [mailto:iforbes-jones@sccommerce.com]
Sent: Thursday, November 10, 2011 9:05 PM
To: Martin, Jim
Subject: Questions regarding apparant medical records

Dear Jim,

I am finally back in Munich tomorrow (I can sleep in my own bed)! Over the past couple of days I have provided some documents to Secretary Hitt-- please let me know if you would also like to receive them.

I admit that I am confused with the direction of this investigation—who is leading it, and what are the next steps? Specifically, what role does the Inspector General's office now play in the investigation?

I have some specific questions regarding apparent medical records that were provided to the Governor's office and the Inspector General's office. It would be helpful if you could give me some information. If you would prefer to discuss over the phone, please let me know and we can work out a time for a discussion.

I cannot assure the authenticity of the medical records, but I have been briefed on the content. Therefore, I would like to know:

- Who provided them to you?
- I understand that in a meeting with leadership and counsel at the Department of Commerce you had offered the records (physically passed them) to the leadership -- did they receive, retain or review the records?
- I understand that the Governor's office (Swati Patel) initiated the translation of these records from German to English--- can you please tell me all individuals who viewed them in this process of

translation?

- Does the Inspector General's office have a policy regarding health records obtained in the investigative process? If so, can you send me a copy of the policy?
- Can you please provide me a list of individuals that were offered a copy or opportunity to review the records by you or anyone in the Inspector General's Office (this includes any individuals present in the Commerce meeting.)

I appreciate your help on this. Please let me now if you have the time to discuss this over the telephone tomorrow (Friday).

I received some disturbing information regarding how these records were obtained and handled in this investigation. I would like to verify/clarify.

I look forward to your response, ian

Ian M. Forbes-Jones

Managing Director

State of South Carolina Europe Office

Almeida Palais

Brienner Straße 14

80333 München, Germany

Tel: +49 (0) 89 291 9170

Fax: +49 (0) 89 291 91710



Please consider the environment before printing this e-mail.

Patel, Swati

From: Martin, Jim
Sent: Thursday, December 22, 2011 3:52 PM
To: Patel, Swati
Subject: FW: Questions regarding apparant medical records

From: Patel, Swati
Sent: Monday, November 14, 2011 11:00 AM
To: Martin, Jim
Subject: RE: Questions regarding apparant medical records

Thanks. I received his email as well and do not plan to respond.

As we have stated many times, this case was brought to your office after Commerce and our office received these allegations and were unable to substantiate them or come to a resolution. We all appreciate and expect your independent assessment and validation of the allegations.

Thanks.
Swati

From: Martin, Jim
Sent: Monday, November 14, 2011 10:35 AM
To: Patel, Swati
Subject: FW: Questions regarding apparant medical records

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Managing Director

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Fax: +49 (0) 89 291 91710



Please consider the environment before printing this e-mail.

Patel, Swati

From: Martin, Jim
Sent: Thursday, December 22, 2011 3:12 PM
To: Patel, Swati
Subject: FW: Contact info Ian Forbes-Jones

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

From: Martin, Jim
Sent: Monday, November 07, 2011 1:14 PM
To: Patel, Swati
Subject: FW: Contact info Ian Forbes-Jones

Swati, I sent Ian the e mail as we discussed. As I expected, he informed me he was in the UK this week and could not provide the information within the timeframe. You will recall, I told you this would be his position. I also reminded him he overly, in my opinion, agreed to submit certain information over the weekend when he returned from Germany. I received nothing! He had little excuse from not sending me anything other than places weren't open. Well we knew that. He did say he had requested the certificate of good conduct, but he didn't use the correct terminology when speaking to me. I reminded him he promised 3 criminal records searches - Rosenheim, Federal Central register, and Erdring(sp?). He wanted to get into technicalities with me because that specificity was not included in our recap. After discussion he did state he knew he was asked and he agreed to provide the 3 criminal records searches. This guy wants to continue to play word games! I asked why he hadn't sent me a copy of his German driver's license and the document he drove on for 2 years? He tells the story that the document was submitted as evidence and retained and he now has to get a lawyer to retrieve it from the police file, I suppose. It's one story after another!

He asked me whether he should go back to Munich or stay in England

Jim

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

From: Martin, Jim
Sent: Monday, November 07, 2011 12:38 PM
To: 'Forbes-Jones, Ian'
Subject: RE: Contact info

Thanks for the follow-up. I presented a preliminary report of my findings to both the Governor and to Secretary Hitt this morning.

The Governor's office instructed me to e mail you and require that the certificate of good conduct from German Authorities, as well as, the other required criminal records request from both Rosenheim PD and the Erdring (sp? the police agency that handled your airport accident) to be submitted to the Inspector General's Office by Close of Business USA time 5:00 pm., Wednesday November 9, 2011. I suppose you had better decide which is more important - your UK visit or providing the documents to clear yourself of the criminal history charges for which that you paid fines.

You had promised certain information to the is office over the weekend. You will recall I cautioned you in making such a commitment. If such was made , I would be expecting some documents associated with certain issues in discussed in the interview. Well, this office has not recieved anything but your e mail below.

Jim
Jim Martin
State Inspector General
110 Centerview Drive
Kingstree Building
Suite 201
Columbia, S C 29210

Office: 803 896 4721

--Original Message-----

From: Forbes-Jones, Ian [mailto:iforbes-jones@sccommerce.com]
Sent: Monday, November 07, 2011 12:20 PM
To: Martin, Jim
Subject: Re: Contact info

Dear Jim,

I just wanted to check-in and let you know that I haven't ignored your request for various documentation.

I am traveling in the UK this week, and I haven't had ample time in Munich (just Sat. this week) to collect the various documents you requested when we spoke last week. I have, however, initiated the request for a certificate of good standing from Germany.

My father told me that you had contacted him, and I appreciate your objective approach to the investigation.

Thanks for your patience, ian

Ian M. Forbes-Jones
State of South Carolina Europe Office
+49 89 2919170

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

From: Forbes-Jones, Ian
Sent: Tuesday, November 01, 2011 06:10 AM
To: 'jimmartin@gov.sc.gov' <jimmartin@gov.sc.gov>
Subject: Fw: Contact info

Ian M. Forbes-Jones
State of South Carolina Europe Office
+49 89 2919170

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

From: Forbes-Jones, Ian
Sent: Tuesday, November 01, 2011 07:07 AM
To: 'jimmartin@gov.sc.gov' <jimmartin@gov.sc.gov>

Subject: Contact info

Dear Jim,

I wish that I could say that I enjoyed our conversation yesterday. I do realize that you are only doing your job.

Please use this email if you need to reach me.

My father's contact info is:

Dr. Robin M. Forbes-Jones

[REDACTED]

Regards, ian

Ian M. Forbes-Jones

State of South Carolina Europe Office

+49 89 2919170

E mails

Martin, Jim

Sent: Thursday, December 22, 2011 3:24 PM

To: Patel, Swati

I searched my inbox and sent e mails for Forbes-Jones and you have all I could identify. I knew there weren't many because once this information was given to meet and I launched an investigation, there was little reason to continue dialog with anyone in the Governor's office until I reached a point to present my findings.
Jim

Jim Martin
State Inspector General
110 Centerview Drive
Kingstree Building
Suite 201
Columbia, S C 29210

Office: 803 896 4721

FW: list of contacts

Martin, Jim

Sent: Thursday, December 29, 2011 4:09 PM

To: Patel, Swati

From: Patel, Swati

Sent: Tuesday, October 25, 2011 4:09 PM

To: Martin, Jim

Subject: Fw: list of contacts

From: Sarah Antor [mailto: [REDACTED]]

Sent: Tuesday, October 25, 2011 06:29 AM

To: Patel, Swati

Subject: list of contacts

[REDACTED]

Christiana Sembritzki -- currently works for Ian and might be hesitant to speak against him, however she will very likely tell the truth if asked specific questions
SC Dept of Commerce Munich Office

Wayne Fritz -- friends with Ian and will not likely speak out against him [REDACTED]

SC Dept of Commerce
w.fritz@secommerce.com

[REDACTED] J.D. -- has firsthand knowledge of [REDACTED]

Grant Gillespie -- visited us in Munich and witnessed [REDACTED]

[REDACTED] -- has knowledge of [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Tom Davis

[REDACTED] CPA -- has knowledge of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] -- attorney that travels often to Munich and [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] -- worked with Ian at A.G.Edwards in 2001 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] worked with Ian at A.G.Edwards in 2001 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] -- was Ian's boss at A.G.Edwards in 2001 [REDACTED]
[REDACTED]
[REDACTED]

I can't find his phone number but he is married to a Beaufort woman so I think he would respond to email...
[REDACTED]

Jack Ellenberg -- you really should speak to him
[REDACTED]

Finally, I know that Bobby is nervous about medical records (most likely because Karen is telling him to be...) but I also have documents showing [REDACTED]
Columbia:

<https://scowa.sc.gov/owa/?ae=Item&t=IPM.Note&id=RgAAAABY1Qylo8vaS7HmvuT%2...> 6/4/2012

FW:

Martin, Jim

Sent: Thursday, December 29, 2011 4:10 PM**To:** Patel, Swati

From: Patel, Swati**Sent:** Tuesday, October 25, 2011 4:09 PM**To:** Martin, Jim**Subject:** Fw:

From: Sarah Antor [mailto:[REDACTED]]**Sent:** Tuesday, October 25, 2011 08:30 AM**To:** Patel, Swati

Hey, I forgot about this couple that lives in Columbia. Brad used to work with Ian at Commerce and they both came to visit us in Munich. Both of them can talk about [REDACTED] they both work in State gov.

Brad Neese

Apprenticeship Consultant at South Carolina Technical College System

803-896-5376

neese@sctechsystem.edu

Jennifer Neese -- used to be the Director of Public Affairs at South Carolina Workers' Compensation Commission but I think she is a stay-at-home mom now

FW: additional information

Martin, Jim

Sent: Thursday, December 29, 2011 4:11 PM**To:** Patel, Swati

From: Patel, Swati**Sent:** Tuesday, October 25, 2011 4:09 PM**To:** Martin, Jim**Subject:** Fw: additional information

We can discuss tomorrow.

From: Sarah Antor [mailto:]**Sent:** Tuesday, October 25, 2011 08:57 AM**To:** Patel, Swati**Subject:** additional information

There are also some work-related issues that might help in your discussions --

1. Ian [REDACTED]
[REDACTED]

2. He has repeated unexplained absences and travel to Barcelona, Spain and Frankfurt, Germany at the State's expense (Christiane Sembritzki can confirm this)

3. He hired his live-in girlfriend as staff at the Munich office (she was formerly our nanny) -- Kasia Katrycz, from Poland (Christiane Sembritzki can confirm this)

4. He [REDACTED] and continued to drive the car without a license for the following two-year suspension period. (Grant Gillespie, Frank Davis and Brad Neese can confirm this as each one rode in the car with him during this time -- as did Gov. Sanford and Jack Ellenberg)

5. Mark Sanford and Jack Ellenberg were quite disappointed with Ian's performance last summer during the Governor's last trip to Munich. Mark and Ian even got in a heated argument in front of Jack. I believe that Mark wanted to terminate Ian immediately due to insubordination but Jack protected him -- you should ask Jack about this. This was just a month or two after [REDACTED]

[REDACTED] That happens about once a year, and is the reason why he should not hold a position of leadership. You might even want to discuss with Mark?

6. There is another guy from one of the S.C. Alliances that can also confirm that Ian [REDACTED]
[REDACTED]

[REDACTED] I can get you his name, just have to look for it.

7. Also, Ian was unable to participate in a meeting with S.C. Representatives Mike Pitts and Jeff Duncan who visited with a trade mission 2 years ago because [REDACTED] (so I and John Stilwell met with them [REDACTED]
[REDACTED]).

Patel, Swati

From: Manning, Karen [kmanning@sccommerce.com]
Sent: Thursday, December 22, 2011 12:34 PM
To: Patel, Swati
Subject: FW: Fine explanation

Karen Blair Manning
Chief Legal Counsel
South Carolina Department of Commerce
1201 Main Street, Ste. 1600
Columbia, SC 29201
(803) 737-1603 (direct)
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(803) 737-0894 (fax)
kmanning@sccommerce.com
www.sccommerce.com

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

From: Forbes-Jones, Ian
Sent: Tuesday, November 08, 2011 8:49 AM
To: 'jimMartin@gov.sc.gov'
Cc: Hitt, Bobby; Manning, Karen; [REDACTED]
Subject: Fine explanation

Dear Inspector General,

In my conversation today with the attorney who dealt with the SC-Gernan license issue he provided an explanation of the fine amounts for the two seperate incidents.

In the first incident that occurred litterally upon our arrival to Germany, my income was reported as approx \$50k USD. This was my old salary for commerce during tenure as Venture Capital director. The fine assigned was based on this salary.

When the second unrelated incident arose, my salary appeared considerably higher because it included health benefits, cost of living adjustments, and other lumped-in amounts due to the nature of this position. The fine assigned was calculated based on these different compensation amounts. This was the cause the discrepency-- nothing more.

When we you speak with the attorney, I encourage you to inquire about this.

Thanks, ian

Ian M. Forbes-Jones
State of South Carolina Europe Office
+49 89 2919170

Patel, Swati

From: Manning, Karen [kmanning@sccommerce.com]
Sent: Thursday, December 22, 2011 12:34 PM
To: Patel, Swati
Subject: FW: German License Continued
Attachments: ATT42598.jpg

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www.sccommerce.com

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

From: Forbes-Jones, Ian
Sent: Tuesday, November 08, 2011 8:31 AM
To: 'JimMartin@gov.sc.gov'; Hitt, Bobby; [REDACTED]; Manning, Karen
Subject: German License Continued

Please see attached photo of German License reverse side. You can the issue date written by the German authorities on the hologrammed label that this license was issued April, 4 2010. This was immediately after the single car incident. It was the german officials involved in this incident that alerted me to the deficiency of driving with an SC license coupled with the document issued by the KVR (german dmv equivalent). As soon as I realized the problem, I immediately contacted the authorities and requested that they refile the SC-German license transfer. Which was done and this license was issued.

if you are confused, you are not alone-- my head was spinning over this process.

More to come, ian

Ian M. Forbes-Jones
State of South Carolina Europe Office
+49 89 2919170

Patel, Swati

From: Manning, Karen [kmanning@sccommerce.com]
Sent: Thursday, December 22, 2011 12:34 PM
To: Patel, Swati
Subject: FW: German Driver's license
Attachments: ATT47306.jpg

Karen Blair Manning
Chief Legal Counsel
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kmanning@sccommerce.com
www.sccommerce.com

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

From: Forbes-Jones, Ian
Sent: Tuesday, November 08, 2011 8:07 AM
To: 'jimMartin@gov.sc.gov'; Hitt, Bobby; [REDACTED]
Cc: Manning, Karen
Subject: German Driver's license

Please find attached photo evidencing current German drivers license.

I apologize for the rudimentary photograph (traveling), I will follow-up with proper scan, notorized copy if necessary.

Additionally, I have contacted the representing attorney from the SC-German license incident, and he has offered to explain the circumstances over the phone today to Inspector General Martin. He has submitted a request to the court that the document be withdrawn from evidence and this will take 3-4 weeks. (This is the document issued to me by the german officials allowing my to operate a vehicle in Germany with a SC license.)

I am confident that these allegations will be disproved, and I appreciate your patience as I gather documentation.

Thanks again, ian

Ian M. Forbes-Jones
State of South Carolina Europe Office
+49 89 2919170

D

FÜHRERSCHEIN BUNDESREPUBLIK DEUTSCHLAND

1. Forbes-Jones

2. Ian Mackay

3. [REDACTED] New York

4a. 24.03.10 4c. Landeshauptstadt
München

4b. —

5. B020Q545761

7.

[Handwritten Signature]









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Patel, Swati

From: Patel, Swati
Sent: Monday, October 24, 2011 10:48 AM
To: 'Hitt, Bobby'
Subject: RE: Attorney-Client Privileged Communication

Bobby,

Let's meet with Tim today if you can. I'd like to talk to Karen as well if you have discussed this with her. We have now until about 2:00 open.

Swati

From: Hitt, Bobby [mailto:bhitt@commerce.state.sc.us]
Sent: Friday, October 21, 2011 1:52 PM
To: Patel, Swati
Subject: Re: Attorney-Client Privileged Communication

I am traveling and will call you later this afternoon, once I land in SC and can talk.
B

Sent from my iPhone

On Oct 21, 2011, at 11:44 AM, "Patel, Swati" <SwatiPatel@gov.sc.gov> wrote:

Bobby,

Please see below and call me as soon as you can. [REDACTED]

Swati Shah Patel

Chief Legal Counsel

Office of the Governor

803.734.5095 direct dial

From: Sarah Antor [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 6:00 AM

To: Pearson, Tim; Patel, Swati
Subject: Status update

Hi there,

Hope this email finds you both well.

[REDACTED]

Can one of you let me know the status on your end? It is very disconcerting -- and embarrassing for the State -- that he is still holding such a position of leadership and financial responsibility when he is clearly not the responsible choice to represent the State in Europe or be a steward of the S.C. taxpayers' dollars.

Best,
Sarah

Sarah Dinkins Antor, J.D. (USA)

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Tel. [REDACTED]
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<http://www.jura.uni-muenchen.de/fakultaet/fachsprachenzentrum/index.html>

Patel, Swati

From: Patel, Swati
Sent: Friday, October 21, 2011 1:52 PM
To: 'Hitt, Bobby'
Subject: RE: Attorney-Client Privileged Communication

Thanks.

From: Hitt, Bobby [mailto:bhitt@commerce.state.sc.us]
Sent: Friday, October 21, 2011 1:52 PM
To: Patel, Swati
Subject: Re: Attorney-Client Privileged Communication

I am traveling and will call you later this afternoon, once I land in SC and can talk.
B

Sent from my iPhone

On Oct 21, 2011, at 11:44 AM, "Patel, Swati" <SwatiPatel@gov.sc.gov> wrote:

Bobby,

Please see below and call me as soon as you can. [REDACTED]

Swati Shah Patel

Chief Legal Counsel

Office of the Governor

803.734.5095 direct dial

From: Sarah Antor [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 6:00 AM
To: Pearson, Tim; Patel, Swati
Subject: Status update

Hi there,

Hope this email finds you both well.

I just wanted to let you know that we finally got a decision from the judge earlier this week. [REDACTED]

[REDACTED]

Can one of you let me know the status on your end? It is very disconcerting -- and embarrassing for the State -- that he is still holding such a position of leadership and financial responsibility when he is clearly not the responsible choice to represent the State in Europe or be a steward of the S.C. taxpayers' dollars.

Best,
Sarah

Sarah Dinkins Antor, J.D. (USA)

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Tel. [REDACTED]

Fax/Tel. [REDACTED]

<http://www.jura.uni-muenchen.de/fakultaet/fachsprachenzentrum/index.html>

Patel, Swati

From: Patel, Swati
Sent: Friday, October 21, 2011 11:41 AM
To: 'bhitt@sccommerce.com'
Subject: Attorney-Client Privileged Communication

Bobby,
Please see below and call me as soon as you can. [REDACTED]

Swati Shah Patel
Chief Legal Counsel
Office of the Governor
803.734.5095 direct dial

From: Sarah Antor [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 6:00 AM
To: Pearson, Tim; Patel, Swati
Subject: Status update

Hi there,

Hope this email finds you both well.

I just wanted to let you know that we finally got a decision from the judge earlier this week. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Can one of you let me know the status on your end? It is very disconcerting -- and embarrassing for the State -- that he is still holding such a position of leadership and financial responsibility when he is clearly not the responsible choice to represent the State in Europe or be a steward of the S.C. taxpayers' dollars.

Best,
Sarah

Sarah Dinkins Antor, J.D. (USA)
Lehrbeauftragte für amerikanische Rechtsterminologie (*Adjunct Professor for American Law*)
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Fax/Tel: [REDACTED]

<http://www.jura.uni-muenchen.de/fakultaet/fachsprachenzentrum/index.html>

Patel, Swati

From: Manning, Karen [kmanning@sccommerce.com]
Sent: Friday, December 23, 2011 11:09 AM
To: Patel, Swati
Subject: FW: CONFIDENTIAL--INFO REQUESTED

*Karen Blair Manning
Chief Legal Counsel
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1201 Main Street, Ste. 1600
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(803) 737-0894 (fax)
kmanning@sccommerce.com
www.sccommerce.com*

From: Manning, Karen
Sent: Thursday, November 17, 2011 3:19 PM
To: 'Pitts, Ted'
Subject: RE: CONFIDENTIAL--INFO REQUESTED

Ted—

I should have also mentioned that Ian has a valid German DL now, which he obtained after learning of the problem early last year, and I have a copy if you need confirmation.

KM

*Karen Blair Manning
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From: Pitts, Ted [<mailto:TedPitts@gov.sc.gov>]
Sent: Thursday, November 17, 2011 3:11 PM
To: Manning, Karen
Subject: RE: CONFIDENTIAL--INFO REQUESTED

Karen,

Thanks.

Ted

From: Manning, Karen [<mailto:kmanning@sccommerce.com>]
Sent: Thursday, November 17, 2011 3:05 PM
To: Pitts, Ted
Cc: Hitt, Bobby; Patrick, George
Subject: CONFIDENTIAL--INFO REQUESTED

Ted—

Attached is a translation of the German lawyer's letter we received from Ian this a.m. The letter clearly states that the 7000 Euro fine was NOT connected to an alcohol-related incident. The two incidents referred to in the German attorney's letter are a September 2009 speeding violation where the ticketing officer didn't question Ian's driving credential and the January 2010 incident at the airport after which Ian's driving credential became an issue. Based on that, what Ian has told us about the fine appears to be true and consistent with German law regarding the calculation of fines. (See below pasted info from German Code.)

Ian personally paid the fine for the September 2009 ticket, but the court used the date of that incident as the starting point for calculating the fine, which was based on Ian's income. Ian objected to that b/c he was not informed when he was ticketed that there was a problem and he had no opportunity to clear it up then. According to Ian, he had applied (and paid with his own \$\$) to apply for a German license and his application was rejected as submitted too early so, again, Ian had no reason to believe his driving credential was not valid. When he went to court last year, Ian said his German was still not good, which didn't likely help him at the hearing in his effort to have the fine calculated from the date of the second incident or his argument that he doesn't drive daily even though the fine calculation assumes daily violations. As a practical matter, the fine presumably could have been larger had the court been really hard-nosed had gone back to some earlier date determined to be the time that Ian should have a different driving credential, even though Ian was not informed of that date.

So, given that Ian had previously applied for German license and had no reason to believe his driving credential was not valid until after the incident at the airport, our view is that we do not reasonably have a basis to further question the legitimacy of the fine as a business expense. Additionally, we have received information to refute the [REDACTED] allegations. My understanding is that Ian has provided that information to Jim Martin.

As George Patrick mentioned by phone, he would like to have an opportunity to sit down with Bobby on Monday to review all the information we have received to nail down next steps.

KM

Fine

Section 40 Imposition in Daily Rates

- (1) A fine shall be imposed in daily rates. It shall amount to at least five and, if the law does not provide otherwise, at most three hundred and sixty full daily rates.
- (2) The court determines the amount of the daily rate, taking into consideration the personal and financial circumstances of the perpetrator. In doing so, it takes as a rule the average net income which the perpetrator has, or could have, in one day as its starting point. A daily rate shall be fixed at a minimum of two and a maximum of ten thousand German marks.
- (3) In determining the daily rate the income of the perpetrator, his assets and other bases may be estimated.

(4) The number and amount of the daily rates shall be indicated in the decision.

Section 42 Facilitation of Payment

If the convicted person, due to his personal or financial circumstances, cannot be expected to pay the fine immediately, the court shall grant him a payment deadline or allow him to pay in specified instalments. The court may also order that the privilege of paying the fine in fixed instalments be withdrawn if the convicted person fails to pay an instalment in time.

Section 43 Default Imprisonment

Imprisonment is substituted for an uncollectible fine. One daily rate corresponds to one day of imprisonment. The minimum term of default imprisonment shall be one day. *[NOTE: it may have been a routine reference to this default provision in a partially translated letter that led Jim Martin to believe that there was more going on than a traffic/license issue.]*

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