

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Roberts/FOIA</i>	DATE <i>2-20-13</i>
---------------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000258</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>* Ref Log #223</i> <i>cc: Cox, Kost</i> <i>closed 2/28/13, letter attached.</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE <i>3-6-13</i> <input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

**Brenda James**

---

**From:** — Kim Cox  
**Sent:** Tuesday, February 19, 2013 4:31 PM  
**To:** Brenda James  
**Subject:** Fwd: FOIA follow-up response  
**Attachments:** signedFeb192013HHSresponse.pdf; ATT00001.htm

Brenda,  
Could you please add this to the log and send to appropriate parties?

Thanks,  
Kim

Begin forwarded message:

**From:** Rick Brundrett <[Rick@thenerve.org](mailto:Rick@thenerve.org)>  
**Date:** February 19, 2013, 3:59:22 PM EST  
**To:** Kim Cox <[COXKIM@scdhhs.gov](mailto:COXKIM@scdhhs.gov)>  
**Subject:** FOIA follow-up response

Kim,

Attached is my reply to Mr. Roberts' Feb. 8 response to my Jan. 23 FOIA request. I'd appreciate it if you could forward it to him; I sent the original today to him via the USPS. Thanks.

Rick Brundrett  
Editor, Investigative Reporter  
The Nerve  
1323 Pendleton St.  
Columbia, SC 29201  
803-254-4411-office  
803-779-4953-fax  
Email: [rick@thenerve.org](mailto:rick@thenerve.org)  
Website: [www.thenerve.org](http://www.thenerve.org).  
Twitter: [@thenerve\\_rick](https://twitter.com/thenerve_rick)

**RECEIVED**

**FEB 19 2013**

Department of Health & Human Services  
**OFFICE OF THE DIRECTOR**



SCPC  
1323 Pendleton Street  
Columbia, South Carolina 29201  
P 803 779 5022  
F 803 779 4953  
scpolicycouncil.com

OUR MISSION  
is to educate members and all South Carolinians about state and  
local public policy based on the traditional South Carolina values  
of individual liberty and responsibility, free enterprise and  
limited government.

Feb 19, 2013

Byron Roberts  
General Counsel  
S.C. Department of Health and Human Services  
1801 Main St.,  
Columbia, SC 29201

**RECEIVED**

FEB 19 2013

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Mr. Roberts:

This letter is in response to your Feb. 8, 2013, reply to my Jan. 23, 2013, FOIA request regarding records related to S.C. House Speaker Bobby Harrell.

I don't consider your Feb. 8 reply responsive to my request. You provided me with a CD containing 59 emails, none of which appears to be directly sent by Harrell and a number of which don't appear to even have been sent to Harrell. Most of the emails are from two BCB officials and appear to deal primarily with routine budget matters.

As I indicated in my Jan. 23 request, Harrell is a partner in Palmetto State Pharmaceuticals, which goes by the business name of PrimaryRX. If there is any correspondence between HHS and Harrell in that capacity, I expect those records to be released pursuant to the FOIA. And just to be clear, my FOIA request also includes any correspondence or other records involving Palmetto State Pharmaceuticals and/or PrimaryRX, whether or not directly sent by or directly received by Harrell.

I am requesting that you allow me to first review those records, per the FOIA, before I decide which records to copy. As for other correspondence not related to Palmetto State Pharmaceuticals, I will suspend that part of my Jan. 23 request pending review of the records related to Palmetto State Pharmaceuticals/PrimaryRX.

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact me at (803) 254-4411, or [rick@thenerve.org](mailto:rick@thenerve.org).

Sincerely,

Rick Brundrett  
Editor, *The Nerve* ([www.thenerve.org](http://www.thenerve.org))



TO:

FROM:

SUBJECT: Cost of Processing FOIA Request #

The South Carolina Department of Health and Human Services has received and processed your FOIA request. The cost for processing this information is as follows:

Staff processing time at \$10.00 per hour	_____ Hours	\$ _____
Pages copied at \$.10 per page	_____ Pages	\$ _____
Pages faxed at \$.20 per page	_____ Pages	\$ _____
Shipping and Handling Costs		\$ _____
Other costs associated with the FOIA request:	_____	\$ _____
<b>Total Amount Due SCDHHS:</b>		<b>\$ _____</b>

Please remit the above amount to the following address:

**Bureau of Fiscal Affairs**  
South Carolina Department of Health and Human Services  
Post Office Box 8297  
Columbia, South Carolina 29202-8297

Please contact \_\_\_\_\_ should you have any questions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date:



February 28, 2013

Mr. Rick Brundrett  
South Carolina Policy Council  
1323 Pendleton St.  
Columbia, SC 29201

Re: FOIA Requests of January 23, 2013 and February 19, 2013

Dear Mr. Brundrett:

Thank you for your follow-up on February 19, 2013, to our response to your original FOIA request dated 23, 2013. Thank you also for clarifying your request. As an initial effort, we swept agency e-mails for Mr. Harrell as a sender or recipient. I believe you will find that all of the e-mails captured were either sent or received by Mr. Harrell. However, we proactively conducted this sweep in hopes it would yield the results you needed in a quick, low-cost effort, for which we would cover the costs. We apologize if this attempt at efficiency resulted in an incomplete response to your request.

We thought the initial sweep would capture any e-mails relating to Harrell in his capacity as "... a partner in Palmetto State Pharmaceuticals ...", but obviously it would not have covered e-mails with the pharmacy in the text or subject matter if not sent or received by Harrell, as you have now clarified in your Feb. 19 letter. We can do such a search at a minimal cost to you.

The search of hard copy and electronically stored Word documents is more cumbersome and time consuming because it requires employees to physically pull or pull up and review files and folders in which responsive documents might reside and, as you probably know, SCDHHS employs 1200 individuals at any given time. Therefore, it is not the copying alone, but the effort to assemble the documents that comprises the major cost in these types of searches. Thus, your suggestion of a review of the information would save some copying costs, but would only be slightly less than our original estimate.

One possible way to focus the search, minimize the cost, and hopefully find what you are looking for is to limit the search to all SCDHHS Directors' correspondence since June 1, 2005. We estimate the cost for such a search would be less than \$100.

Please let us know how you would like us to proceed, and if there are any questions, please feel free to contact me at (803) 898-0218.

Sincerely,

Byron R. Roberts  
General Counsel

BRR/b