

# Nelson Mullins

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July 25, 2013

## VIA EMAIL & FIRST CLASS MAIL

Governor Nikki Haley  
Office of the Governor  
1205 Pendleton Street  
Columbia, SC 29201  
Email: [swatipatel@gov.sc.gov](mailto:swatipatel@gov.sc.gov)

Re: South Carolina Freedom of Information Act Request

Dear Governor Haley:

Pursuant to the South Carolina Freedom of Information Act, §30-4-10 *et seq.*, I am requesting an opportunity to inspect and obtain copies of the following public records to the extent that they are in the possession or control of the Office of the Governor:

1. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to South Carolina Request for Proposals, Solicitation No. 07-S7279, for the Child Support Enforcement System and Family Court Case Management System ("CSES/FCCMS");
2. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to CFS Contract 07-S7279,<sup>1</sup> entered into on July 1, 2007, by the State of South Carolina and Saber Software, Inc., Hewlett Packard State and Local Enterprise

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<sup>1</sup> For purposes of these requests, "CFS Contract 07-S7279" refers to the South Carolina Child Support Enforcement System and Family Court Case Management System Request for Proposal, issued on July 18, 2006, and awarded on March 6, 2007, and Records of Negotiations 1-6, which were signed on February 16, 2007, July 12, 2007, August 5, 2009, March 26, 2010, November 10, 2010, and June 6, 2012, respectively.

Services, Inc.'s ("HPSLES") predecessor-in-interest, including any amendments, modifications, or Records of Negotiation thereto;

3. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to HPSLES's performance under CFS Contract 07-S7279;
4. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina's performance under CFS Contract 07-S7279;
5. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina's collection, processing, analyzing, aggregating, interpreting, or converting of data in connection with the CSES/FCCMS under CFS Contract 07-S7279 and in accordance with Federal Office of Child Support Enforcement regulations 45 C.F.R. § 307.0 *et seq.*, including, but not limited to:
  - a. All records relating in anyway to the accuracy, quality, or integrity of the data provided by the State of South Carolina to HPSLES under CFS Contract 07-S7279;
  - b. All records relating to the State of South Carolina's efforts to maintain identifying information such as social security numbers, names, dates of birth, home addresses and mailing addresses on individuals against whom support obligations are sought to be established or enforced and on individuals to whom support obligations are owed;
  - c. All records relating to the State of South Carolina's efforts to verify the information on individuals referred to in the immediately preceding request;
  - d. All records relating to the State of South Carolina's efforts to maintain data necessary to meet Federal Reporting Requirements in connection with the CSES program; and
  - e. All records relating to the State of South Carolina's efforts to maintain information pertaining to (i) delinquency and enforcement activities; (ii) location of absent parents; (iii) establishment of paternity; and (iv) establishment of support obligations.

6. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to efforts to appropriate funding, lack of funding, and/or difficulty in obtaining funding in connection with Contract 07-S7279, including, but not limited to, all Forms OCSE-396A and all initial advance planning documents, advance planning documents, and advance planning document updates completed, submitted, or provided by the State of South Carolina to the federal government;
7. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina's reasons for termination of Contract 07-S7279;
8. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to evaluations or discussions about whether and/or when to terminate Contract 07-S7279;
9. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to discussions relating payments made to HPSLES under Contract 07-S7279;
10. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to HPSLES's invoices under Contract 07-S7279 not paid by the State of South Carolina;
11. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina Department of Social Service's coordination of State agency, political subdivision, and county participation requirements in connection the CSES/FCCMS under CFS Contract 07-S7279;

12. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina's pursuit of reasonable avenues with federal and State agencies and political subdivisions to achieve federal certification of the CSES;
13. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina's efforts to facilitate cooperative project administration under CFS Contract 07-S7279;
14. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to South Carolina's efforts build, develop, deploy, maintain, and enhance the CSES/FCCMS under CFS Contract 07-S7279, to the extent that such records are not encompassed by the requests above, including but not limited to:
  - a. Any attempt by the State of South Carolina Department of Social Services to solicit the services (by way of employment or otherwise) of any HPSLES employee involved in any way with the CSES/FCCMS under CFS Contract 07-S7279, since July 1, 2007;
  - b. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to any schedules submitted to the United States Government by the State of South Carolina in connection with any aspect of the CSES/FCCMS under CFS Contract 07-S7279;
  - c. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to any payments made by the United States Government to the State of South Carolina in connection with any aspect of the CSES/FCCMS under CFS Contract 07-S7279;
  - d. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to the payment of federal penalties by the State of South Carolina in connection with any aspect of the CSES/FCCMS under CFS Contract 07-S7279;
  - e. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to certifications made by the State of South Carolina to the United States Government in connection with any aspect of the CSES/FCCMS under CFS Contract 07-S7279;

- f. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to the creation of the Integrated Child Support Services Division within the South Carolina Department of Social Services;
  - g. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to the appointment of Katie C. Morgan as the Director of the Integrated Child Support Services Division within the South Carolina Department of Social Services; and
  - h. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, or correspondence, relating in any way to any investigation by any department or agency within the South Carolina State Government, including, but not limited to, the South Carolina Office of Inspector General, in connection with any aspect of the CSES/FCCMS.
15. All records relating to any communications, including, without limitation, emails, between the South Carolina Office of the Governor and any individual employed by the State of South Carolina, including, but not limited to, elected members of the South Carolina House of Representatives or Senate, any individuals employed by the South Carolina House of Representatives or Senate, and any individuals employed by any department or agency within the South Carolina State Government, relating in any way to South Carolina's efforts build, develop, test, deploy, maintain, and enhance the CSES/FCCMS under CFS Contract 07-S7279, to the extent that such records are not encompassed by the requests above. This request includes any records relating in any way to correspondence between the South Carolina Office of the Governor and any committee or investigative body of the South Carolina House of Representatives or Senate;
16. All records relating to any communications, including, without limitation, emails, between the South Carolina Office of the Governor and any department or agency within the United States Government, including but not limited to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement ("OCSE"), relating in any way to South Carolina's efforts build, develop, test, deploy, maintain, and enhance the CSES/FCCMS under CFS Contract 07-S7279, to the extent that such records are not encompassed by the requests above;
17. All records relating to any communication, including, without limitation, emails, between the State of South Carolina Office of the Governor or other representatives of the State of South Carolina and any other vendors or potential vendors relating to CSES/FCCMS on or after July 1, 2007;

18. All records relating to any communication, including, without limitation, emails, between the State of South Carolina Office of the Governor or other representatives of the State of South Carolina and any other consultants or potential consultants relating to CSES/FCCMS on or after July 1, 2007;
19. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, communications in any form, including, without limitation, emails, relating in any way to the State of South Carolina's ability to complete aspects of CSES/FCCMS the State claims are not completed;
20. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, communications in any form, including, without limitation, emails, relating in any way to any timetable for the State of South Carolina to complete aspects of CSES/FCCMS the State claims are not completed;
21. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating in any way to any meetings, conversations, videoconferences, or telephone calls, between May 1, 2013 and July 10, 2013, involving individuals from the U.S. Department of Health and Human Services and the South Carolina Governor's Office or the South Carolina Department of Social Services, relating in any way to the State of South Carolina's efforts build, develop, test, deploy, maintain, and enhance the CSES/FCCMS under CFS Contract 07-S7279, to the extent that such records are not encompassed by the requests above;
22. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, communications in any form, including, without limitation, emails, pleadings, and other documents, relating in any way to the State of South Carolina's termination of Unisys Corporation under the parties' contract to implement a state-wide automated child support enforcement system as required under the federal Family Support Act of 1988, including but not limited to:
  - a. The request for proposals issued on February 22, 1993;
  - b. Each of the amended requests for proposals, issued between October and November 1993;

- c. The contract signed on January 27, 1994 between the State of South Carolina and Unisys Corporation, and any amendments or modifications thereto;
  - d. The functional review of the Unisys Project that OCSE conducted in 1997 and any recommendation made by OCSE that the State of South Carolina complete development and testing, and initiate pilot operation with the production system;
  - e. All records relating in any way to Unisys Corporation's claims that the State of South Carolina breached its obligations under the contract.
23. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data correspondence, communications in any form, including, without limitation, emails, and other documents relating in any way to any instruction, requirement, or mandate issued by the federal government that the State of South Carolina must procure a vendor to implement the automated child support enforcement system through a competitive process to qualify for federal fund participation;
24. All records, including, but not limited to, any memoranda, reports, analyses, audits, meeting minutes, notes, photographs, videos, audio recordings, working papers, data, correspondence, and communications in any form, including, without limitation, emails, relating to communications of any kind between the South Carolina Governor's Office or the South Carolina Department of Social Services and Protech Solutions, Inc., relating in any way to South Carolina's efforts build, develop, test, deploy, maintain, or enhance the CSES/FCCMS;
25. All records relating in any way to fees and expenses paid by the State of South Carolina to any outside law firms or consultants in connection with its efforts build, develop, test, deploy, maintain, and enhance the CSES/FCCMS under CFS Contract 07-S7279, and any disputes relating thereto, to the extent that such records are not encompassed by the requests above.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$ 500.00.

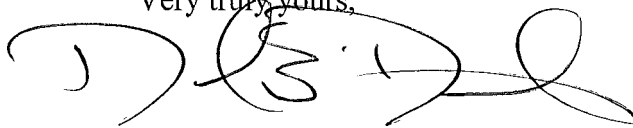
The South Carolina Freedom of Information Act requires a response within 15 business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

Office of the Governor  
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If you deny any portion of the documents requested herein, please cite each specific exemption that justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. E. Dukes', with a large, stylized loop at the end.

David E. Dukes

cc: Marcus A. Manos, Esquire (via email@MManos@nexsenpruet.com)