

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR**

**ACTION REFERRAL**

TO <i>Roberts</i>	DATE <i>4-4-14</i>
----------------------	-----------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER  <b>000350</b>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR  <i>See attached e-mail dated 4/14/14</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>4-16-14</i>
<i>cleared, 5/2/14 letter attached</i>	<input type="checkbox"/> FOIA DATE DUE _____
	<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.			

# TRUST LEGACY CONSULTING, LLC

**RECEIVED**

March 27, 2014

APR 02 2014

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Mr. Tony Keck Director  
Department of Health & Human Services  
1801 Main Street PO Box 8206  
Columbia, SC 29201-8206

Re: The National Foundation for Special Needs Integrity

Dear Mr. Keck:

I am sending this letter to you as a follow up to my letter dated March 3, 2014 a copy of which is enclosed.

I request and conclude that any and all communication with your office from me individually or as a representative of TLC including my enclosed letter dated March 3, 2014 is covered under any and all applicable state and federal whistleblower statutes and also any and all applicable state and federal freedom of information acts or their equivalent.

Sincerely,

  
Charlie Mosbrucker  
TLC Representative

Encl.

*1<sup>st</sup> Request Never  
received letter dated  
3/3/14  
by  
4/4/14*

# Trust Legacy Consulting, LLC

March 3, 2014

Mr. Tony Keck Director  
Department of Health & Human Services  
1801 Main Street PO Box 8206  
Columbia, SC 29201-8206

Re: The National Foundation for Special Needs Integrity

Dear Mr. Keck:

I am contacting you on behalf of Trust Legacy Consulting LLC (TLC). TLC is currently involved in litigation with The Foundation for Special Needs Integrity, Inc. (The Foundation). The Foundation is a National Pooled Special Needs Trust with a Master Trust in your State. In the event we need to verify what The Foundation has provided to us through discovery would you please tell us what type of financial documents your state has concerning The Foundation?

In addition, we are contacting you because forensic auditors who have performed an audit of The Foundation's books and records have identified possible discrepancies between what The Foundation has paid TLC and what we feel is actually owed TLC. These discrepancies currently total over 1 million dollars including interest and penalties and are increasing daily. If you would like copies of the forensic auditor's records please let us know and we will have a copy sent to you. Since The Foundation's Master Trust for residents of your state has language that allows for payment of debts from the assets held in trust for your state residents, we may expect any debt which The Foundation cannot pay from its operating account be paid from those assets. According to the court ordered records we have obtained from The Foundation it appears that payment of this debt could substantially deplete the funds which are currently held in your state residents' Trusts.

It also appears that The Foundation may have and/or may currently be violating your state's Prudent Investor Rule by investing your state residents trust assets in only FDIC insured investments as stated on The Foundation's webpage at [www.specialneedsintegrity.org](http://www.specialneedsintegrity.org) If The Foundation is violating your State's Prudent Investor Rule The Foundation could **significantly reduce the repayment of any benefits to your state** from a deceased resident of your state who is or was a beneficiary of The Foundation's pooled trust. In addition, violating the Prudent Investor Rule would significantly decrease the earnings which your state residents have received and will receive which could cause an accelerated depletion of their trust's assets. If you are not the appropriate Agency to determine if the Prudent Investor Rule has been violated please either alert us to the appropriate State agency to notify and/or forward this communication to the appropriate governing body.

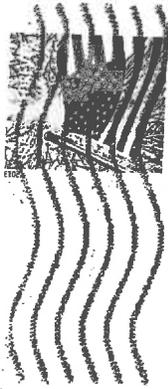
Sincerely,

  
Charlie Mosbrucker  
TLC Representative

Trust Legacy Consulting  
11057 Allisonville Road Suite 213  
Fishers, IN 46038

INDIANAPOLIS IN 460

29 MAR 2014 PM 4 L



**RECEIVED**

Mr. Tony Keck Director  
Department of Health & Human Services  
1801 Main Street PO Box 8206  
Columbia, SC 29201-8206

APR 02 2014

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

29202620606



**Brenda James**

Log # 350 ✓

**From:** Byron Roberts  
**Sent:** Monday, April 14, 2014 5:04 PM  
**To:** Jan Polatty  
**Cc:** Marie Brown; Brenda James; Constance Holloway  
**Subject:** RE: The National Foundation for Special Needs Integrity

We have a log letter from this organization and are working on a response. There are two letters from this organization. I don't believe the first was logged, but the second one was.

**Byron Roberts**  
General Counsel  
[Robertsb@scdhhs.gov](mailto:Robertsb@scdhhs.gov)  
803.898.2795  
[www.scdhhs.gov](http://www.scdhhs.gov)



*Healthy Connections* and the Healthy Connections logo are trademarks of South Carolina Department of Health and Human Services and may be used only with permission from the Agency.

**From:** Jan Polatty  
**Sent:** Monday, April 14, 2014 5:00 PM  
**To:** Byron Roberts  
**Cc:** Marie Brown; Brenda James  
**Subject:** FW: The National Foundation for Special Needs Integrity

Byron, please take a look at this – I'll have Brenda check the log system to see if it was logged but I am thinking not. Please advise. Thanks, Jan.

**Jan Polatty**  
Executive Assistant  
[POLATTYJ@scdhhs.gov](mailto:POLATTYJ@scdhhs.gov)  
803.898.2504  
cell: 803-351-6126  
1801 Main Street  
Columbia, SC - 29201  
[www.scdhhs.gov](http://www.scdhhs.gov)



Nikki Haley DIRECTOR  
Anthony Keck DIRECTOR  
P.O. Box 8206 Columbia, SC 29202  
www.scdhhs.gov

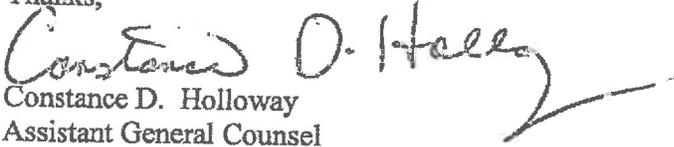
May 2, 2014

Charlie Mosbrucker  
TLC Representative  
Trust Legacy Consulting  
11057 Allisonville Road Suite 213  
Fishers, Indiana 46038

Dear Mr. Mosbrucker:

This is in response to your letter regarding the National Foundation for Special Needs Integrity. The agency does not have our files indexed by the name of the trustee or administrator. In order to determine what if any financial documents we have concerning the National Foundation for Special Needs Integrity, a search through individual records would need to be completed. We estimate that the search would cost about \$300 to conduct. If you would like us to do such a search please provide a deposit of \$150.00.

In your letter you also made mention of the Foundation possibly violating the State's "Prudent Investor Rule." As to the operation of such a rule in South Carolina, please refer to the Uniform Prudent Investor Act, at S.C. Code Ann § 62-7-933 and the South Carolina Probate Code generally.

Thanks,  
  
Constance D. Holloway  
Assistant General Counsel

*Constance*

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

RECEIVED

APR 07 2014

ACTION REFERRAL

SDPHHS  
Office of General Counsel

TO <i>Roberts</i>	DATE <i>4-4-14</i>
----------------------	-----------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000350</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR _____	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>4-16-14</i>
	<input type="checkbox"/> FOIA DATE DUE _____
	<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.			

# TRUST LEGACY CONSULTING, LLC

March 27, 2014

RECEIVED

APR 07 2014

SODHHS  
Office of General Counsel

RECEIVED

APR 02 2014

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Mr. Tony Keck Director  
Department of Health & Human Services  
1801 Main Street PO Box 8206  
Columbia, SC 29201-8206

Re: The National Foundation for Special Needs Integrity

Dear Mr. Keck:

I am sending this letter to you as a follow up to my letter dated March 3, 2014 a copy of which is enclosed.

I request and conclude that any and all communication with your office from me individually or as a representative of TLC including my enclosed letter dated March 3, 2014 is covered under any and all applicable state and federal whistleblower statutes and also any and all applicable state and federal freedom of information acts or their equivalent.

Sincerely,

  
Charlie Mosbrucker  
TLC Representative

Encl.

*1st Request Never  
received letter dated  
3/3/14  
bp  
4/4/14*

# Trust Legacy Consulting, LLC

March 3, 2014

Mr. Tony Keck Director  
Department of Health & Human Services  
1801 Main Street PO Box 8206  
Columbia, SC 29201-8206

Re: The National Foundation for Special Needs Integrity

Dear Mr. Keck:

I am contacting you on behalf of Trust Legacy Consulting LLC (TLC). TLC is currently involved in litigation with The Foundation for Special Needs Integrity, Inc. (The Foundation). The Foundation is a National Pooled Special Needs Trust with a Master Trust in your State. In the event we need to verify what The Foundation has provided to us through discovery would you please tell us what type of financial documents your state has concerning The Foundation?

In addition, we are contacting you because forensic auditors who have performed an audit of The Foundation's books and records have identified possible discrepancies between what The Foundation has paid TLC and what we feel is actually owed TLC. These discrepancies currently total over 1 million dollars including interest and penalties and are increasing daily. If you would like copies of the forensic auditor's records please let us know and we will have a copy sent to you. Since The Foundation's Master Trust for residents of your state has language that allows for payment of debts from the assets held in trust for your state residents, we may expect any debt which The Foundation cannot pay from its operating account be paid from those assets. According to the court ordered records we have obtained from The Foundation it appears that payment of this debt could substantially deplete the funds which are currently held in your state residents' Trusts.

It also appears that The Foundation may have and/or may currently be violating your state's Prudent Investor Rule by investing your state residents trust assets in only FDIC insured investments as stated on The Foundation's webpage at [www.specialneedsintegrity.org](http://www.specialneedsintegrity.org). If The Foundation is violating your State's Prudent Investor Rule The Foundation could significantly reduce the repayment of any benefits to your state from a deceased resident of your state who is or was a beneficiary of The Foundation's pooled trust. In addition, violating the Prudent Investor Rule would significantly decrease the earnings which your state residents have received and will receive which could cause an accelerated depletion of their trust's assets. If you are not the appropriate Agency to determine if the Prudent Investor Rule has been violated please either alert us to the appropriate State agency to notify and/or forward this communication to the appropriate governing body.

Sincerely,

  
Charlie Mosbrucker  
TLC Representative

11057 Allisonville Road Suite 213, Fishers, Indiana 46038  
Office: 317-286-0442  
[cmosbrucker@thetrustlegacy.com](mailto:cmosbrucker@thetrustlegacy.com)

Trust Legacy Consulting  
11057 Allisonville Road Suite 213  
Fishers, IN 46038

INDIANAPOLIS IN 460  
29 MAR 2014 PM 4 L



**RECEIVED**

APR 07 2014

SCDHHS  
Office of General Counsel

Mr. Tony Keck Director  
Department of Health & Human Services  
1801 Main Street PO Box 8206  
Columbia, SC 29201-8206

**RECEIVED**

APR 02 2014

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

29201820605

