

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singh/FOIA</i>	DATE <i>8-1-06</i>
-------------------------	-----------------------

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER <i>000129</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____	<input type="checkbox"/> Necessary Action
2. DATE SIGNED BY DIRECTOR <i>CC: Wells, Stensland Cleared 8/9/06 Attached.</i>	<input checked="" type="checkbox"/> FOIA DATE DUE <i>8-15-06</i>		

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

JUL 31 2006 4:13PM

843-577-7708

NO. 5108 P. 1

**BARNWELL WHALEY  
PATTERSON & HELMS, LLC**

**FACSIMILE  
TRANSMISSION**

885 Island Park Drive (29492)  
P.O. Drawer H  
Charleston, SC 29402-0197

Telephone: (843) 577-7700  
Facsimile: (843) 577-7708  
E-Mail: [jmarsh@barnwell-whaley.com](mailto:jmarsh@barnwell-whaley.com)

**RECEIVED**

JUL 31 2006

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Date: July 31, 2006  
 To: Jeff Strenslund  
 Fax Number: 803-898-4515  
 From: Gaye DuPre for Todd M. Marshoff, Esquire  
*cc: Wells Stenlund*  
 Subject: *Connelly Management, et al v. Caro, et al.*  
 C/A 2:03-CV-3005  
 BWPHFile No.: 1767.002  
 Pages: 3, including cover sheet

The original of this transmission will be sent by:  
 U.S. Mail  Facsimile Only  Overnight Delivery  Courier   
 Documents: FOIA Request letter; Affidavit of Authenticity.  
 Message: Please forward to the intended recipient as soon as possible.  
 Thank you very much,  
 Gaye W. DuPre, Paralegal  
 (843) 577-7700

If any problems with receipt of this FAX transmission, please call the sender at (843) 577-7700.

The information contained in this facsimile message is attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify this office by telephone and return the original message to us at the above address via the United States Postal Service. Thank You.

07/31/2006 04:10PM

JUL 31 2006 4:16PM 843-577-7708

NO. 5108 P. 2

# BARNWELL WHALEY PATTERSON & HELMS, LLC

ATTORNEYS AND COUNSELLORS AT LAW  
FOUNDED 1936

866 Island Park Drive (29492)  
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Special Counsel  
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B. C. Kilgough †  
J. Gail Rahn  
Todd M. Mushoff  
P. Gunnar Nilsaod

Lucinda Gardner Wickmann  
Phillip S. Ferrerigas  
K. Michael Barfield  
Arthur C. Peizer  
John W. Fletcher  
John A. Jones  
Rodney K. E. Mintz  
Alicia Decario  
† Registered Patent Attorney  
Robert A. Palumbo (1991-2000)  
National B. Barrow (1990-1997)  
Bon Scott Whaley (1987-1987)  
Samuel J. Conk (1987-1975)

July 31, 2006

Via Facsimile (803-898-4515)  
and U.S. Mail

Mr. Jeff Stensland (Telephone: 803-898-2584)  
Chief of Bureau of Public Information  
S.C. Dept. of Health and Human Services  
P.O. Box 8206  
Columbia, SC 29202-8206

RE: S.C. CODE ANN. §§30-4-10 ET SEQ., SOUTH CAROLINA FOIA REQUEST  
*Connelly Management, Inc, et al v John Anthony Clary, et al*  
C/A 2:03 3005  
Our File No.: 1767.002

Dear Mr. Stensland:

Pursuant to the South Carolina Freedom of Information Act (FOIA), S.C. Code Ann. §§30-4-10 *et seq.*, and the stated policies of the State of South Carolina emphasizing that the processes of our State's government be conducted in an open and public manner, I would appreciate your providing me with copies of any and all documents and public records, relating to the Home Office Cost Reports of **Connelly Management, Inc.**, Mr. Pleasant, South Carolina, from 1999 and for each year thereafter up to the present time. Please include all South Carolina adjustments reports and the like, and all correspondence. *Please authenticate the copies by completing and returning the attached Affidavit with your response.* Please also attach to your response an invoice for the reasonable costs associated with the review and reproduction of these requested documents. If the cost is expected to exceed one hundred dollars (\$100.00) or if you have any questions, please do not hesitate to contact me at (843) 577-7700.

We appreciate your assistance in this matter.

Yours faithfully,



**RECEIVED**

Todd M. Mushoff

TMM:gwrd  
Enclosure  
Department of Health & Human Services  
OFFICE OF THE DIRECTOR

JUL 31 2006

07/31/2006 04:10PM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Connelly Management, Inc., et al.

Plaintiffs,

Civil Action #: 03 CV 3005 PMD

vs.

John Anthony Claro, et al.,

Defendants

RECORDS CUSTODIAN AFFIDAVIT OF AUTHENTICITY AND ACCURACY OF RECORDS

I hereby certify that the records attached hereto, totaling \_\_\_\_\_ pages, provided in response to a FOIA request by Barnwell Whaley Patterson & Helms, LLC, attorneys for the Defendants, are true, correct, accurate and authentic copies of the records of Connelly Management, Inc. on file with the South Carolina Department of Health and Human Services as requested. This affidavit is made by the undersigned individual and/or custodian of records who has knowledge of the matters with regard to these records. These records have been kept in the course of the regularly conducted business of the South Carolina Department of Health and Human Services and these records were made by its regularly conducted activity as a regular practice.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

SWORN TO AND SUBSCRIBED BEFORE ME  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_



State of South Carolina  
Department of Health and Human Services

Mark Sanford  
Governor

Robert M. Kerr  
Director

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 8355  
Columbia, South Carolina 29202-8355

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

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

Finance and Administration  
P. O. Box 8206 Columbia South Carolina 29202-8206  
(803) 898-2503 Fax (803) 898-4515

**BARNWELL WHALEY  
PATTERSON & HELMS, LLC**

ATTORNEYS AND COUNSELORS AT LAW  
FOUNDED 1938

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Charleston, SC 29402-0197  
Telephone: (843) 577-7700  
Facsimile: (843) 577-7708

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AUG 01 2006

**Todd M. Musheff  
Special Counsel**  
tmusheff@barnwell-whaley.com

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

July 31, 2006

Via Facsimile (803-898-4515)  
and U.S Mail

Mr. Jeff Stensland (Telephone: 803-898-2584)  
Chief of Bureau of Public Information  
S.C. Dept. of Health and Human Services  
P.O. Box 8206  
Columbia, SC 29202-8206

RE: S.C. CODE ANN. §§30-4-10 ET SEQ., SOUTH CAROLINA FOIA REQUEST  
*Connelly Management, Inc, et al. v John Anthony Clary, et al.*  
C/A 2:03 3005  
Our File No.: 1767.002

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We appreciate your assistance in this matter.

Yours truly,

Todd M. Musheff

TMM:gwd  
Enclosure

William C. Helms, III  
M. Dawes Cooke, Jr.  
B. C. Killough I  
J. Gail Rahn  
Todd M. Musheff  
P. Gunnar Nistad

Lucinda Gardner Wichmann  
Phillip S. Ferdinigos  
K. Michael Barfield  
Arthur C. Pelzer  
John W. Fletcher  
John A. Jones  
Rodney K. E. Mintz  
Alissa DeCarlo  
† Registered Patent Attorney  
Robert A. Palumbo (921-2004)  
Nathaniel B. Barnwell (1877-1950)  
Ben Scott Winaley (1809-1887)  
Samuel J. Condin (1807-1975)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Connelly Management, Inc., et al. )

Plaintiffs, )

vs. )

Civil Action: 2: 03 CV 3005 PMD

John Anthony Claro, et al., )

Defendants )

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\_\_\_\_\_(Signature)

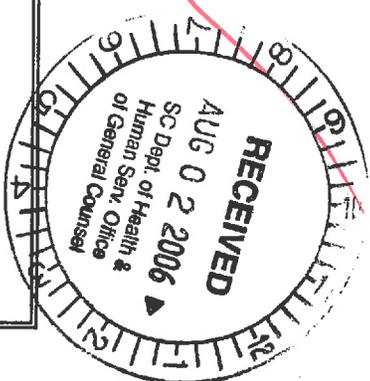
\_\_\_\_\_(Printed Name)

SWORN TO AND SUBSCRIBED BEFORE ME  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_

*Rishi Kumar*

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



TO	DATE
<i>Singh/FOIA</i>	<i>8-1-06</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER  <i>660129</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR  <i>CC: Wells, Stenland</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE <i>8-15-06</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
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2.			
3.			
4.			



*State of South Carolina*  
*Department of Health and Human Services*

Mark Sanford  
Governor

Robert M. Kerr  
Director

August 9, 2006

Todd M. Musheff, Esquire  
Barnwell Whaley Patterson & Helms, LLC  
885 Island Park Drive  
P. O. Drawer H  
Charleston, SC 29402-0197

Re: FOIA Request -- Connelly Management, Inc., et al. v. John Anthony Claro, et al.

Dear Mr. Musheff:

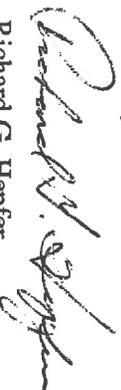
Your July 31, 2006, Freedom of Information Act request was referred to this Office for a response. The cost reports for nursing facilities and associated home offices are kept in the Bureau of Reimbursement Methodology, Division of Long Term Care Reimbursement, and the search was restricted to that unit. The documents enclosed are from that unit only. It is unlikely, but possible, that other units in the Department have documents related to these cost reports. These cost reports were collected and processed by Department employees, in the regular course of the Department's business. The enclosed is a true and accurate copy of those documents.

Our expense for reproducing and mailing this information is one hundred twenty-six and 05/100 dollars (\$126.05). Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services  
Department of Receivables  
Post Office Box 8355  
Columbia, SC 29202-8355

I hope this information is helpful to you. Please contact me if there are any questions. My direct is (803) 898-2791.

Sincerely,

  
Richard G. Hepfer  
Deputy General Counsel

RGH/h  
Enclosures  
cc: Lynette D. Wilson, Receivables  
Jeff Stensland, Public Information

Office of General Counsel  
P. O. Box 8206 Columbia South Carolina 29202-8206  
(803) 898-2795 Fax (803) 255-8210

JUL 31, 2006 4:13PM 843-577-7708

NO. 5108 P. 1

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*Dog-Singleton*  
"FOIA"  
*cc: Wells*  
*Stensland*

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Department of Health & Human Services  
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C/A 2:03-CV-3005

BWPHFile No.: 1767.002  
Pages: 3, including cover sheet

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Thank you very much,

Gaye W. DuPre, Paralegal  
(843) 577-7700



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JUL 31, 2006 4:16PM 843-577-7708

NO. 5108 P. 2

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John A. Jones  
Rodney K.E. Miniz  
Allison DeCarlo

+ Registered Patent Attorney  
Robert A. Palmsbury (1951-2006)  
Napoleon S. Samard (1977-1990)  
Ben Scott Whaley (1908-1977)  
Samuel T. Couch (1907-1975)

July 31, 2006

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Todd M. Musherff

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OFFICE OF THE DIRECTOR

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

SWORN TO AND SUBSCRIBED BEFORE ME  
this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_