

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>  
To: Patel, Swati <SwatiPatel@gov.sc.gov>  
Pisarik, Holly <HollyPisarik@gov.sc.gov>  
Date: 2/10/2016 6:02:03 PM  
Subject: FW: Meeting with Rep. Finlay  
Attachments: Landmark Summary (9 Feb 16).docx

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Swati and Holly,

Please see below and attached.

I've asked Kim for some documentation on the practice and policies surrounding predetermined POD sites. I would like to understand the practice in the normal course of business as to responsibility and liability. His staff should be getting us those documents this week.

Before Rep. Finlay leads a meeting with all stakeholders, I suggest we schedule a meeting between the governmental entities involved (EMD and Richland County) as – thus far – this appears to be a clear county issue.

FWIW: Veldran and I spoke to Rep. James Smith about this situation yesterday, and he agreed that the county, not the State, should not be liable.

Additionally, I would advise against setting a precedent where the State funds repairs on private property when the county was the responsibility party. Further, it is unclear whether the damage was pre-existing or whether the cost estimate of \$20-70k is reasonable and fair. For all of these reasons, I do not want to allow EMD to be forced to pay for the repairs. Plus, as Kim notes in the attachment, if the county completes the repairs, then the work may/should be FEMA eligible.

Please let me know if you have any further guidance on this issue. Thank you.

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From: Stenson, Kim [mailto:Kstenson@emd.sc.gov]  
Sent: Wednesday, February 10, 2016 5:37 PM  
To: Schimsa, Rebecca; Matt Nichols  
Subject: Meeting with Rep. Finlay

We met with Rep. Finlay this afternoon regarding the Landmark parking lot situation. Rep. Bernstein also attended. We covered most of the material outlined in the attachment to include our position and that we are not the responsible party. However, Rep. Finlay believes that the state is responsible because we provided the service that resulted in the damage. The major action item now is that Rep. Finlay is setting up a meeting (perhaps as early as Tue) with the principals, hopefully with their respective lawyers, to see if something can be worked out. However, a major sticking point will be some government organization assuming the cost to repair the damage out of existing funding as FEMA reimbursement is unlikely. We will also continue the dialogue with both contractors involved but getting them to agree to pay short of a lawsuit is probably a long shot. I don't think that they are responsible but if either agreed to pay it would solve the problem.

Regards,

Kim