

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

|                           |                       |
|---------------------------|-----------------------|
| TO<br><b>Roberts/FOIA</b> | DATE<br><b>9-5-13</b> |
|---------------------------|-----------------------|

| DIRECTOR'S USE ONLY  | ACTION REQUESTED   |
|--|--|
| 1. LOG NUMBER<br><b>000097</b>   | <input type="checkbox"/> Prepare reply for the Director's signature<br>DATE DUE _____  |
| 2. DATE SIGNED BY DIRECTOR<br><b>CC: Mr. Keck, Kost, Supra, Cox</b><br><b>cleared 9/24/13, letter attached</b> | <input type="checkbox"/> Prepare reply for appropriate signature<br>DATE DUE _____<br><input checked="" type="checkbox"/> FOIA<br>DATE DUE <b>9-20-13</b><br><input type="checkbox"/> Necessary Action |

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

## Brenda James

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**From:** Kim Cox  
**Sent:** Thursday, September 05, 2013 3:06 PM  
**To:** Brenda James  
**Cc:** Rick Hepfer; Byron Roberts; Anthony Keck; Bryan Kost  
**Subject:** Fwd: foia request

Brenda,  
Could you please log and route this FOIA request?

Thanks,  
Kim

Begin forwarded message:

**From:** Chaney Adams <[adams.chaney@gmail.com](mailto:adams.chaney@gmail.com)>  
**Date:** September 5, 2013, 3:00:15 PM EDT  
**To:** <[coxkim@scdhhs.gov](mailto:coxkim@scdhhs.gov)>  
**Subject:** foia request

To Whom It May Concern:

Pursuant to state and federal public records laws, I respectfully request copies of the following public documents:

-- Correspondence, notes, department files and memoranda - in any form- related to, referencing or concerning former employee of the South Carolina Department of Health and Human Services Christopher Lykes, his employment and his personnel- human resources file;

Given that these documents are of public interest, I respectfully ask that you produce these promptly and, as our public records law calls for, at a reasonable cost.

Sincerely,

Chaney Adams



TO:

FROM:

SUBJECT: Cost of Processing Request for Information #

The South Carolina Department of Health and Human Services has received and processed your request for information. 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:

Log # 97



September 24, 2013

Ms. Chaney Adams  
[adams.chaney@gmail.com](mailto:adams.chaney@gmail.com)  
No Physical Address Supplied

Re: FOIA on Christopher Lykes

Dear Ms. Adams:

Thank you for your request of September 5, 2013. Enclosed are the responses by the items you requested:

1) Correspondence, notes, department files and memoranda – in any form – related to, referencing or concerning former employee of the SCDHHS Christopher Lykes:  
Your request is quite broad and as stated includes all communication in whatever form either to or from Mr. Lykes on any subject and any communication about Mr. Lykes. We have swept the Department's e-mails for any references to Mr. Lykes and have had individuals whose duties interacted with Mr. Lykes pull their hard-copy correspondence related to or concerning Mr. Lykes. This was and is being done at the request of the prosecutor in the Attorney General's Office and he is reviewing those documents to prepare his prosecution. Therefore, at this time, those documents are exempt from disclosure under S.C. Code Ann. §30-4-40(a)(3)(b). We would estimate that the prosecutor will have reviewed most of the documents by December and will know which ones are not relevant to the prosecution. Of course, you may submit another FOIA request at any time, but we would recommend that you wait until the prosecutor has had a chance to review the documents.

2) ...his employment and his personnel – human resources file:

As you may know, "information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy" is exempt from disclosure under S.C. Code Ann. §30-4-40(a)(2). As to personnel records which contain evaluations, comments, health information, tax ID numbers, emergency contacts, etc., the General Assembly has specifically made some of that information available to the public in S.C. Code Ann. §§30-4-40(a)(6) (compensation or ranges of compensation), 30-4-40(a)(13) (certain employment application information) and 30-4-50(A)(1) (names, sex, race, title and dates of employment of all employees and officers of public bodies). Therefore, we have enclosed the information from Mr. Lykes' personnel records that the statutes allow. You will be able to track that information back to the statute by its composition. This information consists of:

- a) Mr. Lykes' successful employment application redacted as allowed in the statute;
- b) the demographic information releasable under the statute;
- c) Mr. Lykes' last salary range within the agency.

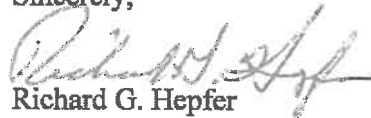
Ms. Chaney Adams  
September 24, 2013  
Page 2 of 2

Our expense for assembling this information is twenty and eighty hundredths dollars (\$20.80). 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 8297  
Columbia, SC 29202-8297

If there are any questions, please feel free to contact me at the address below or at my direct line: (803) 898-2791.

Sincerely,



Richard G. Hepfer  
Deputy General Counsel

Enclosures

cc: Lynette Wilson, Receivables (w/o enclosures)