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December 18, 2018

VIA CERTIFIED MAIL

Beaufort County School Board
2900 Mink Point Blvd.
Beaufort, SC 29902

Re: FOIA Request
Jeff Moss – Former Beaufort County Superintendent

Dear Beaufort County School Board,

Greetings!

Under the Freedom of Information Act, I request that you please send me a copy of the retainer letter dated August 30, 2018 from Bart Daniel, Esq. sent to Jeff Moss, former Beaufort County Schools Superintendent. Thank you.

With warmest, personal regards, I remain

Very truly yours,

RUSS KEEP, III, ESQ.

Received By

DEC 2 1 2018

Attorney's Office



CRK/kmm
enclosure

Moss asks Beaufort County school board for $35K to hire lawyer

FOIA

BY MAGGIE ANGST
mangst@islandpacket.com

Former Beaufort County schools superintendent Jeff Moss, under investigation by the FBI for financial transactions made during his five-year tenure, has asked the district for $35,000 to hire a former U.S. attorney known for representing high-profile clients accused of white-collar crimes, including former state treasurer and "Southern Charm" star Thomas Ravenel and former state speaker of the House Bobby Harrell, according to documents obtained by The Island Packet and The Beaufort Gazette.

In emails sent to the school board's officers this past fall, Moss cited a clause in his May settlement agreement with the board that he says obligates the district to cover his legal fees for any claims brought against him in his official capacity as superintendent.

On Sept. 25, Moss warned the officers that if the board didn't pay for his attorney, the sit-

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uation would get worse for the district.

"It would appear the information being sent to the U.S. Attorney (from Beaufort County) is filtered and inaccurate, which needs to be addressed immediately to avoid a more costly outcome for the board," Moss wrote. "Any delay would result in unnecessary additional legal action and processing which would only cost the district."

He further stated that his "future employability is adversely affected" and the sooner it could be concluded would be "better for all concerned."

Over the past year, the district has received four subpoenas from the U.S. attorney's office for documents related to Moss' time at the district, including for financial and procurement information into the construction of two Bluffton schools and Moss' involvement with the controversial Education Research and Development Institute.

Moss left the district on July 31. He has not been charged in the investigation.

In the meantime, though, Moss is seeking to hire Bart Daniel, of the Nelson-Mullins law firm in Charleston.

THE $35,000 FEE WOULD COVER ONLY THE INVESTIGATION PHASE OF THE CASE.

Daniel was appointed U.S. attorney by President George H.W. Bush in 1989 and served in that role through 1992. He represented Ravenel in his 2007 cocaine charges and Harrell in his 2014 campaign finance violations case.

In an Aug. 30 letter to Moss, Daniel states that his $35,000 fee is nonrefundable and would be considered "earned" when received. The fee would cover only the investigation phase of the case and appeared to be for negotiations with the U.S. attorney's office in the lead-up to any potential charges.

A day later, however, Daniel, indicated that he did not think charges were coming.

"If you were to be charged, which knowing what we know is likely not the case, that would be subject of a different fee," Daniel wrote, noting that the U.S. attorney had already contacted him to ask whether he was representing Moss.

Daniel's words about the charges stand in contrast to the urgent tone Moss later struck with the board's officers on Sept. 27 when he informed them over email that Daniel wasn't going to take the case because of the board's delay.

Moss told the board's officers that he received an email from Daniel that he found "extremely concerning."

In this email, Moss said, Daniel wrote that "this has dragged on too long" and that without representation, Moss was putting himself in a "perilous position."

In addition to seeking money to hire Daniel, Moss also requested that the board cover his legal fees in a S.C. Ethics Commission complaint filed against him sometime this year, according to a Nov. 12 letter from the board's attorney obtained by the Packet and the Gazette.

It is the second state ethics complaint Moss has faced in three years. In August 2016, Moss admitted to two ethics violations related to the hiring of his wife for a high-paying district position.

After meeting behind closed doors Nov. 13, the board voted against paying for Moss' legal representation in both the federal and state cases.

"As far as I'm aware, there is no legal case going against him. He hasn't been charged with any crime, so there's nothing to defend him for at this moment," board member Mary Cordray said Friday.

Moss did not return a phone call seeking comment Monday evening and instead wrote that his state ethics complaint was confidential and "the party making the disclosure" to the Packet and the Gazette "will be held accountable."

As of late Monday evening, it was unclear whether Moss has hired Daniel to represent him.