

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 )  
 IN THE MATTER OF: )  
 )  
 Complaint C2011-100 )  
 )  
 Pete McGrew, )  
 Respondent. )  
 )  
 Calvin Culbertson, )  
 Complainant. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**ORDER OF DISMISSAL WITH PREJUDICE**



On September 21, 2011, the Commission determined that probable cause existed to support allegations, concerning two counts of violation of S.C. Code Ann. § 8-13-700 (A) in August 2010 (Count One) and September 2010 (Count Two). It thereafter issued its Notice Of Hearing on October 4, 2011, which stated Respondent “knowingly using his official position to obtain an economic interest for a family member by demanding his son be hired by the Ware Shoals Police Department.” Respondent subsequently filed a Motion To Dismiss heard and denied by the Commission after hearing on January 18, 2012, by its Order, filed February 15, 2012. On May 16, 2012, the Commission held the contested case hearing on these matters.

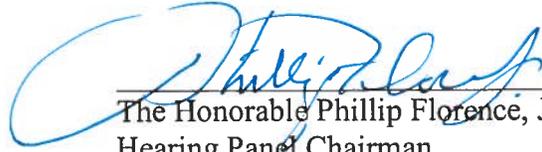
Through a Stipulation Agreement, entered into the record as part of Complainant’s **Exhibit C-1**, the Commission/Complainant’s counsel advised Respondent’s counsel she had no exhibits to offer in support of Complainant’s allegations and would offer Complainant, Commission Investigator Choate, and former Councilman Randy McLean as witnesses. Respondent’s counsel, in turn, advised he would offer Respondent, Michael McGrew, Gregg Harrell, and current Councilman Don Patrick as witnesses. Counsel further agreed Respondent’s

Exhibits A through E with Attachments would be considered and admitted into evidence at the hearing, and these were collectively entered into the record as Respondent's **Exhibit R-1**.

Investigator Choate and Complainant testified on behalf of Complainant, and Respondent's counsel cross examined them and offered a copy of the Town Of Ware Shoals Regular Meeting Minutes of its meeting, held on September 21, 2010, into evidence without objection as Respondent's **Exhibit R-2**. Investigator Choate testified the specific date of alleged violation for Count One was August 17, 2010. He further testified the specific date of alleged violation for Count Two was September 21, 2010.

Commission's/Complainant's counsel rested her case instead of calling her third witness. Before calling his first witness, Respondent's counsel moved to dismiss both Counts of the Complaint with prejudice. He argued the Panel should dismiss Count Two, based on the absence of any evidence to support it, as shown through (1) the testimony by Complainant and (2) **Exhibit R-2**. He then argued the Panel should dismiss Count One, based on (1) ¶ 8 of the Affidavit of Michael McGrew, in Exhibit A of **Exhibit R-1** that he and his family did not move onto Respondent's property until after August 17, 2010, (2) corroborative testimony by Complainant, and (3) inapplicability of the amendment to S.C. Code Ann. § 8-13-700 (A) through 2011 Act No. 40, effective June 7, 2011, expanding the scope of violative activity thereunder from "a member of his immediate family", as defined in S.C. Code Ann. § 8-13-100 (18), to a "family member", as defined in § 8-13-100 (15) both before and after such amendment. Commission's/Complainant's counsel did not object to the Motion.

IT IS, THEREFORE, ORDERED that Complaint C2011-100 is hereby dismissed with prejudice.



---

The Honorable Phillip Florence, Jr.  
Hearing Panel Chairman

Columbia, South Carolina  
May 22, 2012