

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
) BEFORE THE STATE ETHICS COMMISSION
))
))
IN THE MATTER OF:)
))
COMPLAINT C2012-057)
))
PHILLIP E. CLARDY,)
Complainant;)
))
vs.)
))
ARLAR CARTHEL CROUT,)
Respondent.)
_____)

DECISION AND ORDER
RECEIVED
MAY 16 2012
STATE ETHICS
COMMISSION

Pursuant to Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, the State Ethics Commission reviewed the above captioned complaint on March 21, 2012 charging the Respondent, Arlar Carthel Crout, with a violation of Section 8-13-700(A), Code of Laws for South Carolina, 1976, as amended.

Present at the meeting were Commission Members Phillip Florence, Jr, Chairman, E. Kay Biermann-Brohl, Vice-Chair, Richard H. Fitzgerald, Edward E. Duryea, JB Holeman, Jonathan H. Burnett, Priscilla L. Tanner, and G. Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

ALLEGATIONS

That the Respondent, Mayor of the Town of Williamston, SC, did instruct an Anderson County inmate to wash/clean the Respondent's personal vehicle at the Town Municipal Center. It was alleged that this action has occurred at other times during the Respondent's administration. It was alleged that the Respondent has compensated County inmates to perform these jobs.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. At all times relevant, the Respondent was the Mayor of the Town of Williamston, South Carolina.
2. On various occasions inmates of the Anderson County Detention Center are “loaned” to the Town of Williamston to be used for various town projects.
3. During these “loaned” periods the inmate is the responsibility of the Williamston Police Department.
4. During or about the last three years, since approximately 2009, while serving as Mayor, the Respondent made several requests to the Williamston Police Department for an inmate to wash his personal vehicle.
5. On each occasion the Respondent gave approximately \$20.00 to a member of the Police Department to be held for the inmate as payment for washing the vehicle.
6. According to witnesses interviewed, payment was provided to the inmate upon their release from the County Detention Center.
7. There is no evidence to suggest that the Respondent gained any financial benefit by utilizing the County inmates to clean his personal vehicle.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent was a Public Official as defined by Section 8-13-100(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from using their official position for their own financial benefit.

DISCUSSION

According to the evidence presented to the State Ethics Commission, there is no reason to believe that the Respondent derived any financial benefit from using the County inmates to wash his personal vehicle; however, public officials are charged with the responsibility of representing the people of this State and must maintain an unblemished appearance at all times. The Preamble to the State Ethics Act states that "...those who represent the people of this State must be certain that it is the interests of the people, and not their own, that are being served."

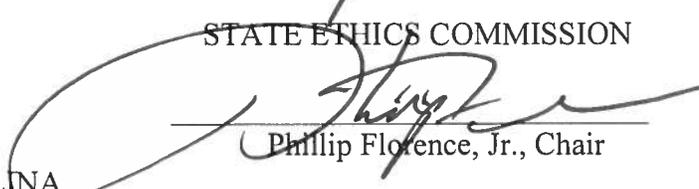
DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Arlar Carthel Crout, violated Section 8-13-700, S.C. Code Ann., 1976, as amended. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, and the rules and regulations promulgated thereunder.

AND, in the abundance of caution, to avoid even the appearance of impropriety, the State Ethics Commission cautions the Respondent to refrain in the future from using County inmates for personal tasks.

IT IS SO ORDERED THIS 16th DAY OF May, 2012.

STATE ETHICS COMMISSION


Phillip Florence, Jr., Chair

COLUMBIA, SOUTH CAROLINA