

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND ) BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )  
COMPLAINT C2014-030 )

Mikel Trapp, )  
Respondent. )

Elizabeth A. Jenkins, )  
Complainant. )

**CONSENT ORDER**

STATE ETHICS  
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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Elizabeth A. Jenkins, on September 16, 2013. The complaint against the Respondent, Mikel Trapp, was considered by the Commission on January 15, 2014, and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to entry of the following statements of fact, conclusions of law, discussion, admission, and disposition in this matter.

**ALLEGATION**

On September 6, 2013 the State Ethics Commission received a complaint filed by Elizabeth A. Jenkins of Winnsboro, SC against Mikel Trapp, Fairfield County, SC Councilman. The complaint alleged that the Respondent received tuition reimbursement from Fairfield County in the amount of \$26,806.00, a violation of the guidelines concerning tuition reimbursement. Also, it was alleged that the Respondent received \$24,630.00 from Fairfield County for insurance that he declined to receive because he has other insurance. Additionally, the Respondent is receiving an annual allocation of \$9,540.00 for operating expenses without providing any receipts to support an operating expense claim.

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In addition, Respondent's Statement of Economic Interests (SEI) reports were reviewed. Respondent allegedly used County funds to pay for personal accommodations, in Hilton Head, SC, after the South Carolina Association of Counties conference officially ended. Those allegations are dismissed. Respondent allegedly authorized the use of County funds to allocate money, to a business, with which a family member is associated. Those allegations are dismissed. Respondent allegedly used County funds to produce, and distribute a District newsletter, that requested support for his 2014 re-election. No probable cause was found for this allegation.

**STATEMENTS OF FACT**

1. The Respondent, Mikel Trapp, is a member of Fairfield County Council.
2. Respondent stated that the former Fairfield County Administrator, Mr. Phillip Hinley, established stipend funds for council members to cover the cost of equipment, mileage, and supplies.
3. Respondent said that he did not request money from the county in lieu of the county making a payment directly to an insurance carrier. Respondent said that Mr. Hinley made the decision to cancel the insurance policy for some council members, and provide them with the funds to purchase their own policy.
4. A review of Respondent's 2009 wage and tax filing statement revealed that Respondent received gross pay in the amount of \$29,717.56 from Fairfield County. On September 19, 2013 staff reviewed Respondent's original 2010 SEI report filed on April 4, 2010, and an amended 2010 SEI report filed on August 22, 2010. The 2010 SEI reports documented income from Fairfield County in the amount of \$15,000.00.

5. A review of Respondent's 2010 wage and tax filing statement revealed that Respondent received gross pay in the amount of \$33,603.93 from Fairfield County. On September 19, 2013 staff reviewed Respondent's original 2011 SEI report filed on May 4, 2011. The report documented income from Fairfield County in the amount of \$15,000.00. Respondent filed an amended 2011 SEI report on July 25, 2013, and he documented income from Fairfield County in the amount of \$32,060.00.

6. A review of Respondent's 2011 wage and tax filing statement revealed that Respondent received gross pay in the amount of \$35,430.92.92 from Fairfield County. On September 19, 2013 staff reviewed Respondent's original 2012 SEI report filed on April 12, 2012. The report documented income from Fairfield County in the amount of \$15,000.00. Respondent filed an amended 2012 SEI report on July 25, 2013, and he documented income from Fairfield County in the amount of \$34,129.00.

7. A review of Respondent's 2012 wage and tax filing statement revealed that Respondent received gross pay in the amount of \$30,587.92 from Fairfield County. In addition, a review of Respondent's 2012, 1099 miscellaneous income statement, revealed Respondent received gross pay in the amount of \$5,150.00. According to the Fairfield County Comptroller, due to an Internal Revenue Service regulation that applies to tuition reimbursement, the Respondent's 1099 statement of earnings did not reflect all of the money Respondent received from the county. A review of all checks written to Respondent for tuition reimbursement revealed that in 2012, Respondent received income in the amount of \$10,400.00. On September 19, 2013 staff reviewed Respondent's original 2013 SEI report filed on April 15, 2013, and an amended 2013 SEI report filed

on July 25, 2013. The 2013 SEI reports documented income from Fairfield County in the amount of \$28,773.00.

8. Staff met with Respondent in regard to the aforementioned SEI reports, and Respondent amended his reports accordingly.

### **CONCLUSIONS OF LAW**

Based upon the Statement of Facts, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Mikel Trapp, was a public official, as defined by S.C. Code Ann. § 8-13-100(27)(Supp. 2012).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-1120(A)(2) provides that a public official must disclose the source, type and amount of income received from a governmental entity.

### **DISCUSSION**

**(Available to Respondent for discussion of mitigating factors.)**

### **ADMISSIONS**

The Respondent, Mikel Trapp, admits that he inadvertently violated Section 8-13-1120.

### **DISPOSITION**

The State Ethics Commission hereby finds Mikel Trapp in violation of Section 8-13-1120, albeit inadvertent, of the Ethics Reform Act and hereby adopts the Statements of Fact, Conclusions of Law, Admissions, and Disposition as agreed upon by the Respondent. The Commission dismisses Counts One through Seven.

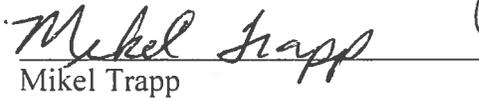
THEREFORE, the State Ethics Commission hereby issues this written warning to Mikel Trapp for violations of Section 8-13-1120 of the Ethics Reform Act,

AND, orders Respondent to pay an administrative fee of \$500.00 within 30 days  
of receipt of the signed order,

AND IT IS SO ORDERED THIS 5<sup>th</sup> DAY OF May 2014.

STATE ETHICS COMMISSION

  
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PHILLIP FLORENCE, JR.  
CHAIR

  
\_\_\_\_\_  
Mikel Trapp