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

IN THE MATTER OF:)
COMPLAINT C2013-035)

William Gregg McCutchen,)
Respondent.)

State Ethics Commission,)
Complainant.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 15, 2012. The complaint against the Respondent, William Gregg McCutchen, was considered by the Commission on November 28, 2012, and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, the Respondent agreed to entry of the following statement of facts, conclusions of law, discussion, admission, and disposition in this matter as follows:

STATEMENT OF FACTS

1. The Respondent, William Gregg McCutchen, is the Bishopville Town Administrator.
2. According to a document provided by the City of Bishopville Finance Director, Suzette K. Robinson, Respondent received travel per diem for meals in the amount of \$65.00 per day for the 2011 Municipal Association Conference in Hilton Head. The city policy on travel per diem provides that the \$65.00 is to cover all meals.
3. Respondent advised that while attending the conference it was customary that the city paid for a group meal attended by the Mayor, City Administrator, Council Members, and family members. Respondent advised that he did attend the group meal with his

spouse. Respondent said that his dinner party also included seven family members in addition to himself and his spouse. Respondent said that he used a City of Bishopville Visa credit card issued for the mayor to pay the bill for the entire group meal in the amount of \$668.78. During the course of the investigation, Mayor Boyd provided evidence that on October 1, 2012, he paid the cost of the entire group meal back to the City of Bishopville.

4. Respondent said that on October 5, 2012, he paid Mayor Boyd with a personal check in the amount of \$133.78 for his portion of the group meal. Respondent said that the amount of the personal check was based on splitting the cost of the group meal among the officials that attended the meal.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, William Gregg McCutchen, was a public employee, as defined by S.C. Code Ann. § 8-13-100(25)(Supp. 2011).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-700(A) prohibits a public employee from knowingly using his official employment to obtain any economic interest for himself.

4. Section 8-13-100(11)(A) defines "economic interest" as "an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or

arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more.”

DISCUSSION

It was never my intent to use a credit card issued to the City of Bishopville for personal gain. In explanation of this incident, we (the Mayor, several City Council members, and myself) chose to have a City-funded meal instead of purchasing for each person in attendance a ticket to the dinner and dance sponsored by the South Carolina Municipal Association. We concluded that these dinner/dance tickets at the price of \$50.00 each would cost our city more than just a meal for each person. This meal has caused me personal and professional embarrassment; however, I do accept the Facts. Also, may it be known that hereafter I fully intend to never allow a situation of this nature to occur again.

ADMISSIONS

The Respondent, William Gregg McCutchen, admits that he violated Section 8-13-700(A).

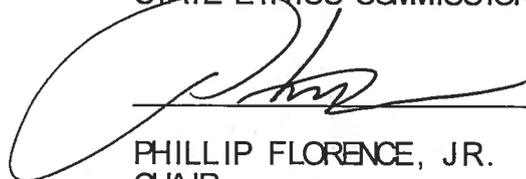
DISPOSITION

The State Ethics Commission finds William Gregg McCutchen in violation of Section 8-13-700(A), of the Ethics Reform Act and hereby adopts the Statement of Facts, Conclusions of Law, Admissions, and Disposition as agreed upon by the Respondent.

THEREFORE, the State Ethics Commission hereby issues this written warning to William Gregg McCutchen for his violation of Section 8-13-700(A) of the Ethics Reform Act,

AND, orders Respondent to pay an administrative fee of
\$150.00 within 30 days of receipt of the signed order,
AND IT IS SO ORDERED THIS 13th DAY OF March 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIR

William Gregg McCutchen
William Gregg McCutchen